### DEPARTMENT OF PLANNING AND PERMITTING

# CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813 PHONE: (808) 768-8000 • FAX: (808) 768-6041

DEPT. WEB SITE: www.honoluludpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL MAYOR



KATHY K. SOKUGAWA ACTING DIRECTOR

EUGENE H. TAKAHASHI DEPUTY DIRECTOR

December 29, 2020

2020/GEN-16(JML)

The Honorable Ann H. Kobayashi Chair and Presiding Officer and Members Honolulu City Council 530 South King Street, Room 202 Honolulu, Hawaii 96813

### Dear Chair Kobayashi and Councilmembers:

SUBJECT: Request for Exemptions from Development Regulations

Pursuant to Chapter 201H-38, Hawaii Revised Statutes (HRS)

Project: Halewaiolu Senior Residences Landowner: City and County of Honolulu,

Department of Land Management

Applicant: Halewaiolu Senior Development, LLC (Karen Seddon)

Agent: R. M. Towill Corporation (Keith Kurahashi)

Location: 1331 River Street - Lower Nuuanu

Tax Map Key: 1-7-006: 012

The Halewaiolu Senior Development, LLC is requesting exemptions from the City regulations and fees to develop the Halewaiolu Senior Residences Affordable Rental Housing Project pursuant to Chapter 201H-38, HRS. The purpose of these provisions is to encourage the development of affordable housing.

Enclosed for your review and action are a Report and Draft Resolution. The enclosed Draft Resolution is to grant exemptions from certain statutes, ordinances, and rules relating to planning, and permit fees to allow development of the Project. Transmittal via email/thumbdrive is the Application, and plans and specifications, as provided by the Applicant.

The Honorable Ann H. Kobayashi Chair and Presiding Officer and Members December 29, 2020 Page 2

Pursuant to Section 201H-38, HRS, the City Council has 45 days to act on the matter from the date the Department of Planning and Permitting submits the request to the City Council. If the City Council does not act on the request within 45 days, the exemptions will be automatically approved.

Should you have any questions, please contact me at 768-8000.

Very truly yours,

Kathy K. Sokugawa Acting Director

Enclosures

APPROVED:

cc: Halewaiolu Senior Development, LLC Hawaii Housing Finance and Development Corp.

Roy K. Amemiya, Jr.	
Managing Director	

# DEPARTMENT OF PLANNING AND PERMITTING OF THE CITY AND COUNTY OF HONOLULU

### STATE OF HAWAII

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### I. APPLICATION

#### A. **Basic Information:**

PROJECT: Halewaiolu Senior Residences LANDOWNER: City and County of Honolulu,

Department of Land Management (DLM)

Halewaiolu Senior Development, LLC APPLICANT:

(Karen Seddon)

R. M. Towill Corporation (Keith Kurahashi) AGENT:

1331 River Street - Lower Nuuanu LOCATION:

(Exhibit A)

TAX MAP KEY: 1-7-006: 012

LAND AREA: 26,925 square feet (sq. ft.)

BMX-4 Central Business Mixed Use District **ZONING:** 

(Exhibit B)

Urban District (Exhibit C) STATE LAND USE: Primary Urban Center **DEVELOPMENT PLAN AREA:** 

Vacant Building **EXISTING USE:** 

Temples, mortuary and crematorium, SURROUNDING LAND USES:

restaurants, retail, public garden, and

multi-family dwellings.

B. <u>Background</u>: The City acquired the property in 1992 with funds from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program. On July 3, 2014, the City Department of Community Services and the Mayor's Office of Housing issued a Request for Proposals for the development and lease of the property. On April 4, 2015, the Halewaiolu Senior Development, LLC was selected as the developer.

On May 4, 2016, the City Council adopted Resolution No. 16-70, CD1, FD1 which authorized the execution of the Development Agreement (DA) that set forth the terms, covenants, and conditions for all aspects of development and management of the Project. There have been three amendments to the DA; the last amendment was completed on May 7, 2020. Those amendments were minor and addressed technical details such as language clarification and a modification to Project timeline. The Applicant will again revise the DA after completion of the 201H process.

On October 22, 2019, the Department of Planning and Permitting (DPP) determined that the proposed affordable housing Project met the Chapter 201H-38, HRS (201H) eligibility requirements pending compliance with Chapter 343, HRS requirements. The Applicant submitted the application on September 15, 2020, which the DPP accepted for processing on September 29, 2020.

C. <u>Proposal</u>: The Applicant proposes to develop an affordable rental housing project for seniors aged 62 and over with incomes of 80 percent and below the Area Median Income (AMI). The Project will consist of a 17-story, 156-unit multi-family structure with affordable one-bedroom and two-bedroom units, one market-rate resident manager unit, and common areas such as a multi-purpose room (MPR), warming kitchen, restrooms, storage rooms, utilities, computer access, social services activities and office, property management offices, and an elevator lobby. The ground level will include a courtyard, a retail space, and parking and loading spaces. The units would remain affordable for 65 years, with an option to extend to 75 years. Table 1 below shows the number of units by type and size.

Table 1.2 Type, Number, and Size of Units

UNIT TYPE, NUMBER, AND SIZE			
Unit Type	Approx. Unit Size (sq. ft.)		
1A	1	26	490
1B	1	26	482
1C	1	26	481
1D	1	26	476
1E	1	26	475
2A	2	13	838
2B	2	13	838

UNIT TYPE, NUMBER, AND SIZE				
Unit Type  No. of Bedrooms  No. of Units  Approx. Unit  Size (sq. ft.)				
Manager's Unit	2	1	670	
TOTAL 157				

D. <u>Affordability Requirements</u>: Except for the manager's unit, all 155 of the 156 units will be reserved at, or below, rates accessible to "low-income households" (80 percent of AMI or lower), which exceeds the minimum eligibility requirements for 201H projects pursuant to the DPP Rules related to the 201H Housing Program. Table 2 below shows the number and affordability of the dwelling units:

Table 2. Affordability Level of Units Based on AMI

AFFORDABLE UNIT MIX				
Percent of AMI	No. of Units	Percent of Total Units		
30 percent	8	5.1		
60 percent	131	84.0		
80 percent	16	10.3		
Manager's Unit - market rate	1	0.6		
TOTAL	156	100.0		

The DPP uses the income limits released annually by the HUD to calculate and publish the 30 percent, 60 percent, and 80 percent AMI guidelines by household size. Currently, at the 30 percent AMI level, households must earn no more than \$26,450 for a single-person household and \$40,800 for a five-person household. At the 80 percent AMI level, the income limit for a single-person household is \$70,500 and \$108,800 for a five-person household.

The maximum rent, including utility expenses such as water and sewer, for units affordable to households earning no more than 30 percent of the AMI ranges from \$661 for a studio unit to \$850 for a two-bedroom unit. For households earning no more than 80 percent of the AMI, the maximum rent increases to a range of \$1,764 for a studio unit to \$2,268 for a two-bedroom unit.

E. <u>Financing</u>: The Project is expected to cost approximately \$93.6 million to construct. The Project will be funded with private equity through the Internal Revenue Tax Code, Section 42, Low-Income Housing Tax Credit program, along with funds from the State Hula Mae Multi-family tax-exempt bonds, and Rental Housing Revolving Fund programs that were awarded by the Hawaii Housing Finance and Development Corporation (HHFDC) to the Applicant in February 2019.

### II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

A. <u>Description of Site and Surrounding Uses</u>: The 0.618-acre (26,925 square feet) parcel is located in the State Land Use Urban District and zoned BMX-4 Central Business Mixed-Use District. The site was formerly developed with a two-story commercial building and parking lot. The Project site is trapezoidal in shape, with existing ground elevations ranging from 8 to 10 feet above mean sea level (AMSL) along the makai portion of the site to 15 feet AMSL towards the mauka end of the site (see Exhibit D).

The site is located just outside (north) of the Chinatown Special District. To the west (ewa) are River Street, apartments, and businesses located across Nuuanu Stream. To the north (mauka) is a parking lot in the adjacent lot, apartments, and the Foster Botanical Garden is located across North Vineyard Boulevard. On the adjacent parcel to the east (Diamond Head) is a mortuary and crematorium establishment, and on the adjacent parcel to the south (makai) is the Lum Sai Ho Tong Tin Hau Temple. Restaurants, retail shops, and other businesses are located in the surrounding area.

The Project site is located near three future rail stations (Iwilei, Downtown, and Chinatown) with the Chinatown station being the closest (approximately 0.4 miles). The site is also expected to be in the future Transit-Oriented Development (TOD) Special District based on the Downtown Neighborhood TOD Plan.

- B. <u>Chapter 343, HRS</u>: An Environmental Assessment (EA) is not required pursuant to Hawaii Administration Rules Section 11-200.1-15(10), which enumerates an exemption for affordable housing projects. Under these rules, the construction of affordable housing is an exempt action provided that it complies with applicable affordable housing regulations of the State or County and meets the following criteria:
  - Use of State or County lands;
  - Conforms with existing State urban land use classification;
  - Is consistent with existing County zoning that allows housing; and
  - Does not require variances for shoreline setbacks or siting in an environmentally sensitive area.

The Project meets those conditions, and therefore, in a letter dated May 6, 2020, the DLM determined that an EA was not required. However, due to the use of

HUD CDBG funds and HUD environmental review regulations, the Applicant prepared an EA according to the National Environmental Policy Act (NEPA) in which the DLM issued a Finding of No Significant Impact (FONSI).

- C. <u>Historic Sites</u>: Subsurface testing excavations throughout the Project area identified one archaeological historic property, State Inventory of Historic Places (SIHP) No. 50-80-14-8840 with components 1 through 3:
  - a. Component 1 consists of multiple, buried agricultural deposits associated with use of the Nuuanu Stream floodplain;
  - b. Component 2 consists of possibly pre- to post-contact habitation layers, including associated pit features and a human site; and
  - c. Component 3 consists of historical infrastructure remnants associated with the residential and commercial development.

The existing building was constructed in 1958 and is eligible for listing on the National and Hawaii Registers of Historic Places. The State Historic Preservation Division (SHPD) concurred with an HRS 6E-8 project effect determination of "Effect, with proposed mitigation commitments" and effect determination of "adverse effect", meaning that the Project will have an adverse effect on the existing building and SIHP No. 50-80-14-8840. The City and County of Honolulu, SHPD and the Applicant executed a Memorandum of Agreement (MOA) which detail mitigation commitments, to include:

- Historic context study for the existing building;
- b. Archaeological data recovery in the form of targeted data collection and archaeological monitoring for SIHP No. 50-80-14-8840;
- c. Burial treatment for SIHP No. 50-80-14-8840 (Component 2, Feature 6); and,
- d. Implementation of a Geographic Information System Story Map highlighting the history and cultural significance of the Nuuanu Stream/River Street corridor fronting the Project.

A Final Archaeological Impact Study was prepared and accepted on June 5, 2020 by SHPD. In its June 5, 2020 letter, SHPD stated that the DPP permit issuance process may proceed with certain stipulations, such as required architectural documentation of the existing John R. Gilliland Sr. Building and archaeological monitoring of all ground-disturbing work in accordance with a SHPD-accepted archaeological Mitigation Plan. These stipulations will be incorporated in the building permit (BP) process and are not included in this 201H permit.

D. <u>Community and Agency Comments</u>: The Applicant started consultation with the surrounding community and other stakeholders on the Project in 2014. Community input was also included in developing the Community Provisions' section of the DA between the Applicant and the City. The Applicant presented the Project to the Downtown Neighborhood Board (NB) No. 13 at eight separate meetings from August 2015 to December 2019.

According to the Applicant, community input was considered in the Project design. Revisions were made to the original design by incorporating changes to massing, height, makai façade and setback, color and cultural references, open space, the MPR, and activity rooms.

The Project's application materials were made available on the DPP web site. The DPP sent requests for review and comment to the following public agencies:

Federal: U.S. HUD

State: Department of Transportation, Department of Health Clean Air

Branch, and Department of Education (DOE)

City: Departments of Budget and Fiscal Services, Board of Water Supply

(BWS), Department of Community Services, Department of Corporation Counsel, Department of Environmental Services (ENV), Department of Facility Maintenance, Honolulu Fire Department (HFD), Honolulu Police Department (HPD),

Department of Transportation Services (DTS), Honolulu Authority

for Rapid Transportation, and Office of Climate Change,

Sustainability and Resiliency

No public agency objected to the Project. Applicable comments are incorporated into the Analysis section of this report.

The DPP also sent requests for review and comment to NB No. 13; no comments were received. On October 13, 2020, the DPP received a letter from the adjacent landowner, Lum Sai Ho Tong (LSHT), who expressed that the benevolent society (and custodian of the Tin Hau Temple) does not support the Project due to concerns related to the Project's proposed setbacks and the Project's impacts on air quality. These concerns are incorporated into the Analysis section of this report.

## III. REQUESTED EXEMPTIONS AND ANALYSIS

# A. Chapter 201H, HRS Requirements and Exemptions:

1. <u>Permit, Plan Review, and Utility Fees</u>: The following Table 3 summarizes the requested permit, plan review, and utility fees, and other adjustments sought for the Project and the approximate related values:

Table 3. Requested Exemptions - Permit, Plan Review, and Utility Fees

Item	Section(s)	Estimated Fees per Requested Exemption	Recommended Approval
	Plan Review and Pe	rmit Fees	
Grading, Grubbing, and Stockpiling Permit Fees	14-4.4 Revised Ordinances of Honolulu (ROH)	\$1,155	\$1,155
Stormwater Quality Review Fee: Erosion Control and Sediment Plan Review Fee	14-13.6 ROH	\$250	\$250
Trenching, Repair and Service Permit Fees	14-17.1 ROH	\$775	\$775
BP Plan Review	18-6.1 ROH	\$30,000	\$30,000
BP Fees	18-6.2 ROH	\$320,000	\$320,000
HFD Plan Review Fee	20-1.1(3) and 1.12.8 ROH	\$14,056	\$14,056
Subtotal		\$366,236	
	Utility Fees		
ENV Wastewater System Facility Charge	14-6.4, 14-10.1 to 10.3, 14-10.6 ROH	\$192,000	\$192,000 or as determined by the ENV
Storm Drain Connection License	14-12.12 ROH	\$200	\$200
BWS Water System Facility Charge (WSFC) and Water Meter Charges	1-102 and 2-202(2) (BWS Rules and Regulations)	\$285,000	\$285,000 (deferral)
Subtotal		\$477,200	
Estimated TOTAL		\$843,436	

The Applicant requests exemption of development permit and BP plan review fees. DPP has no objection to the request for exemption of these fees for this affordable housing Project.

The Applicant requests exemption of HFD Plan Review fees. HFD has no objection to the request.

The Applicant requests exemption of the ENV Wastewater System Facility Charge (SFC) for the affordable units. The ENV indicates that the 155 units rented to households earning between 30 and 80 percent of the AMI are eligible for a Wastewater SFC waiver, but the market rate manager's unit is not eligible for a Wastewater SFC waiver. DPP agrees with the ENV's determination and defers to the ENV to confirm the total amount relating to Wastewater SFC to be waived.

The Applicant requests exemption of the BWS WSFC and water meter charges for the affordable units. The BWS states that they may waive the fees for the WSFC and connection charges for qualified on-site affordable dwelling units, up to 500 dwelling units per year, on a first come first served basis. For non-qualifying units, the Applicant will be required to pay the fees for resource development, transmission, and daily storage. As such, the DPP recommends deferral and not exemption of the water system connection charge. This will allow the BWS to make its determination regarding fee waivers at the BP stage.

The following Table 4 summarizes the Park Dedication exemption sought for the Project and Table 5 shows how the fee was calculated.

**Table 4. Requested Exemption - Park Dedication** 

Item	Section	Estimated Park Dedication Exemption	Recommended Approval
Park Dedication	22-7 ROH (10 percent of maximum permitted floor area)	\$4,738,500 (based on \$300/sq. ft.)	\$4,738,500 or 15,795 sq. ft.

**Table 5. Park Dedication Calculation** 

Calculation of Park Dedication Fees to be Waived by:	Maximum Permitted Floor Area Ratio (FAR)	10 Percent of Maximum Permitted Floor Area	Valuation (per sq. ft.)	Total Amount
Applicant	4.0	10,770 sq. ft.	\$53.20 (from Real Property Assessment)	\$572,964
DPP	5.9*	15,795 sq. ft.*	\$300.00 (DPP estimate)	\$4,738,500

<sup>\*</sup>Based on the requested Project floor area of 157,946 sq. ft. (5.9 FAR)

The Applicant calculates the park dedication requirement for the Project at \$572,964. This value is based on 10 percent of maximum permitted floor (lot area of 26,925 sq. ft. x 4.0 FAR x 10 percent) multiplied by the real property assessment value of \$53.20 per square feet. The Applicant's real property assessment value comes from the 2020 Assessed Land Value of \$1,432,400 divided by lot area. (The Assessed Building Value of \$204,200 is not included as the existing building will be demolished.)

The DPP has a higher estimated value for park dedication fees to be waived, at approximately \$4.7 million. The Applicant is requesting an FAR of 5.9 or 157,946 square feet, which is higher than the 4.0 FAR allowed by the underlying zoning. Furthermore, DPP does not use current real property assessment value (pre-development) for park dedication calculation purposes. Rather, it assesses the land value based on similar lots in the BMX-4 District and general location (Downtown Honolulu) and the proposed development. Looking at the Project's post-development potential, DPP estimates that the value of the land is closer to \$300 per square feet Calculated as such, the value of the park dedication is considerably higher than estimated by the Applicant. However, DPP recommends approving the waiver because the Applicant is creating opportunities for recreation on-site. The Project is proposing a number of amenities, including a 4,686-square-foot recreation deck and dog area and a 640-square-foot gardening deck, which might otherwise satisfy some of the park dedication requirements. Nonetheless, the exemption from park dedication will allow for more flexible delivery timing of recreation space if park dedication fees and applications are waived. Therefore, the DPP supports the request to waive park dedication review and fees.

Apart from the requests identified in Tables 3 and 4 above, no other fee exemptions or deferrals were requested. As such, in order to determine

compliance with the Public Utility Commission (PUC) and BWS safety standards, tariffs, or rates and fees, the DPP forwarded the application to the BWS for review. No fee exemptions or deferrals were requested from public utilities under the jurisdiction of PUC, apart from BWS. The above recommendations do not adversely affect public health and safety and help reduce the cost of producing affordable housing. Therefore, we do not object to the proposed exemptions and deferral.

- 2. <u>Chapter 21, ROH</u>: The Applicant requests certain exemptions from the Land Use Ordinance (LUO) requirements for density, front yard, landscaping, and parking.
  - a. <u>BMX-4 Central Business Mixed-Use Standards</u>: Section 21-3.110-1(b), Table 21-3.4, as itemized below. (See Exhibits E through M for floor plans and elevations.)

Table 6. LUO (Chapter 21, ROH) Requested Exemptions

LUO Section	BMX-4 District Development Standard	Project	Recommendation
21-3.120-2(b) Table 21-3.4	Maximum FAR of 4.0	FAR of 5.9	Approve
21-3.120-2(b) Table 21-3.4	Five-foot required front yard	Zero feet. MPR to be built at the property line. 87.5 linear feet will encroach into the required front yard.	Approve
21-3.120-2(c)(1)	All yards must be landscaped except for necessary access drives and walkways.	The front yard will not be landscaped.	Approve

The Applicant's above requests are reasonable for the purposes of increasing the City's inventory of affordable housing units. In comparison, if this Project had been processed as an Interim Planned Development-Transit permit, the Downtown TOD Plan allows, for example, up to a 7.5 FAR for certain projects providing community benefits, such as affordable housing.

According to the Applicant, the Project complies with the BMX-4 District Height Setback. In order to confirm that

determination, BP plans must include a site plan showing where the 50 percent frontage of the 65 degree height setback is taken. All affected exterior elevation drawings must show this height setback. The height setback will be confirmed during the BP process and no exemption or condition is necessary.

# b. Off-Street Parking, Loading and Bicycle Parking:

<u>Vehicular Parking</u>: The Applicant is requesting the following exemptions:

**Table 7. Requested Exemptions from Parking Requirements** 

LUO Section	Off-Street Parking Requirement	Project	Recommendation
21-6.20(a)	None, as a result of Bill 2 (2020)	51 off-street parking spaces	Approval not required
21-6.50(b)(3)	Tandem parking is permissible where two or more parking spaces are assigned to a single dwelling unit.	10 tandem parking spaces (five pairs) will be unassigned.	Approve with condition

As a result of the Council's adoption of Bill 2 (2020), this Project does not have any minimum parking requirements. The 51 vehicular parking spaces proposed are acceptable. The Applicant's requested reduction no longer requires Council's approval. However, any parking that is provided must meet all standards for dimensions and access. So, the proposal for tandem parking was examined.

Residents, customers, and guests would be allowed to park in any parking space, including the 10 tandem parking spaces (5 pairs). While the tandem parking appears to be acceptable from the standpoint of dimensions, the Applicant must submit a parking management plan in order to alleviate potential logistical issues (e.g., a motor vehicle parked behind another motor vehicle may get trapped in place). This should be a condition of approval.

Off-Street Loading: The off-street loading requirement is two loading spaces for multi-family dwellings with between 151 to 300 units.

**Table 8. Requested Exemptions from Loading Requirements** 

LUO Section	Requirement	Project	Recommendation
21-6.110 Multi-family dwellings with 151 to 300 units	Two spaces	One space	Approve
21-6.130  When more than one loading space is required, the minimum dimensions for one-third of the required spaces are 12 x 35 feet with a vertical clearance of at least 14 feet. The remaining spaces must be 8.5 x 19 feet with a vertical clearance of 10 feet.	One space 12 x 35 feet with a clearance of at least 14 feet and one space 8.5 x 19 feet with a clearance of 10 feet.	One space of 8.5 x 19 feet with a vertical clearance of 10 feet.	Approve

The Applicant requests exemption from LUO Section 21-6.100, to allow one loading space which is less than the two required loading spaces. The proposed dimensions of the one loading space is 8.5 x 19 feet with a vertical clearance of 10 feet. These dimensions are permitted when total floor area is less than 5,000 sq. ft. Since the Project's floor area is 157,946 sq. ft., an exemption is required for the size of the one proposed loading stall. The DPP has determined that the proposed loading space size is adequate, however the Applicant must demonstrate in its Traffic Management Plan how the loading area will be managed with the mix of residential drop-off/pick-up as well as trash pick-up and commercial loading activities. This should be a condition of approval.

<u>Bicycle Parking</u>: Bicycle parking for the Project is calculated upon design capacity as follows:

**Table 9. Bicycle Parking Requirement** 

Use (Units)	LUO Standard for Bicycle Parking	Required Parking	Project
Decidential Hose	Short-term: One space for every 10 units	15.6	
Residential Uses	Long-term: One space for every two units	78	Six short-
SUBTOTAL		93.6	term
MPR (4,329 sq.	Short-term: One space per 2,000 sq. ft. of floor area or portion thereof	3	76 long- term
ft.)	Long-term: One space per 12,000 sq. ft. of floor area	0	
Commercial	Short-term: One space per 2,000 sq. ft. of	1	

Use (Units)	LUO Standard for Bicycle Parking	Required Parking	Project
(125 sq. ft.)	floor area or portion thereof Long-term: One space per 12,000 sq. ft. of floor area	0	
SUBTOTAL		4	
TOTAL		98*	82

<sup>\*</sup>Rounded up from 97.6 spaces

The Applicant requests exemptions from the following:

**Table 10. Requested Exemptions from Bicycle Parking Requirements** 

LUO Section	Bicycle Parking Requirement	Project	Recommendation
21-6.40(b) Table 21-6.3	20 short-term spaces 78 long-term spaces	Six short-term spaces 76 long-term spaces	Approve
21-6.40(d)(1)	Dimensions of two feet by six feet.	Dimensions of one-foot-four-inches by six-foot for "high-density, offset" bicycle parking.	Deny
21-6.40(d)(2)	Short-term bicycle parking spaces must be located as close as possible to the entrances of the principal uses on the lot.	Short-term bicycle parking spaces are located near the loading entrance.	Partially Approve  Require four short- term spaces near the entrances of the MPR and retail store.

Bicycle parking is located on the first through fourth floors. DPP has determined that the proposed 82 bicycle parking spaces, which is 16 spaces less than the required 98 bicycle parking spaces, is sufficient for a senior affordable housing project.

DPP opposes the request to reduce the bicycle parking space dimensions. Reducing the parking space width would make it challenging for bicycle riders and owners to safely maneuver bicycles in and out of the bicycle racks, particularly considering that the users will be elderly. Providing compliant bicycle parking spaces will require the Applicant to find additional space to accommodate all 82 bicycle parking spaces. DPP believes that there is sufficient space on the fourth floor recreation deck and in the ground floor courtyard. The Applicant must submit revised drawings showing all 82 bicycle parking spaces with dimensions of two feet by six feet. This should be a condition of approval.

The Applicant proposes nine bicycle parking spaces to be located behind the retail space and residential lobby, with access from the driveway through the garage entry and loading area. The Applicant will provide signage at the courtyard main entry and driveway side gates directing bicycle riders to the location of the short-term bicycle parking location. DPP believes it would benefit the non-resident users of the ground floor MPR and retail store to have visible bicycle racks located near the entrances of those facilities. Therefore, at least four short-term bicycle spaces must be provided in the courtyard. This shall be made a condition of approval.

c. <u>TOD Special District Development Standards</u>: Should the Downtown TOD Special District be established as envisioned, prior to the application for BPs, the Applicant is requesting the following exemptions from the TOD Special District Development Standards.

Table 11. Requested Exemptions from TOD Special District Development Standards

LUO Section	TOD Special District Requirement	Project	Recommendation
21-9.100-8(a)(3)(A) and TOD Design Guidelines	Minimum and maximum front yard setbacks.	Front setbacks have not yet been established.	Not Applicable
21-9.100- 8(a)(3)(E)(ii)	Ground floor residential uses that encroach into the front yard should be landscaped and other portions of the front yard to be landscaped except for necessary drives and walkways.	No ground floor residential uses.	Not Applicable
21-9.100- 8(a)(3)(D)(iii)	Ground floor building façade must be placed within the maximum front setback for at least 65 percent of the linear street frontage.	40 percent of the linear street frontage consists of ground floor building façade to be located within 10 feet of the front property line.	Approve
21-9.100-8(c)(5)	Service areas and loading spaces be located at the side or rear of the site.	Loading area located near but not at the makai side of the site, within 25 feet from the closest elevator/entrance to lobby.	Approve
21-9.100-8(c)(5)	Ground floor of parking structures on all streets must be designed and used for active ground floor activities within 40 feet of the front property line.	The HECO vault room, 30 feet in length, is located on the ground floor within 40 feet of the front property line.	Approve

LUO Section	TOD Special District Requirement	Project	Recommendation
21-9.100-8(a)(4)(c)	One entrance should be placed every 50 feet of the building façade facing a street.	The MPR has zero entrances facing the street; there are two entrances (to the residential lobby and retail space) set back behind the courtyard which face the street.	Approve
21-2.40-2	Downtown TOD Special District Permit Process and Major Permit requirements.	Waiver of TOD Special District Permit.	Approve

The Applicant's exemption requests are reasonable for the purposes of increasing the City's inventory of affordable housing units.

While portions of the front yard will not be landscaped, which is appropriate in the TOD Special District, the Project proposes a heavily landscaped strip on the makai side of the property. That landscaping will consist of pak lan trees, yew pine, weaver's bamboo and shrubs such as laukahi, red ixora, and pink hawaiian coral. The River Street frontage will consist of the MPR with several large windows and the courtyard where elderly residents are expected to gather. The Project will also install three pak lan trees as street trees along River Street (see Exhibit O). These uses and amenities will help activate the street and enhance the pedestrian experience, and support the future TOD Special District. Therefore, no conditions are necessary.

The Applicant indicates that the Project will not follow certain recommendations outlined in the TOD Design Guidelines (Guidelines) and requested several exemptions to the Guidelines related to Structured Parking and Podiums. While the Guidelines provide supplemental guidance to TOD Special District design principles, it is not a regulatory document with mandated design controls or standards. Nonetheless, the DPP considered the guidelines for providing habitable spaces or a green wall along the perimeter, constructing parking underground and providing standard ceiling heights. Due to financial feasibility and constraints and to maintain the Project's level of affordability, the parking spaces will not be located underground or be lined with habitable spaces or a green wall fronting a street, rather the three-level parking structure will be at grade. A green wall is provided on the side (makai) elevation. Exemption from the standard ceiling heights is not

required. All levels will provide a minimum nine-foot floor-to-floor height, which is the standard for the dwelling levels; the ground level parking area is occupied by the retail and MPR and will provide a 16-foot floor-to-floor height. No conditions of approval are required.

B. Resolution No. 16-70, CD1, FD1 (Resolution): Adopted by the Honolulu City Council on May 4, 2016, the Resolution authorizes the Mayor to enter into a DA with the Applicant (Developer) for the Project. The DA was approved with the understanding that the following conditions recommended by the neighboring landowners are addressed:

Table 12. Resolution No. 16-70, CD, FD1 Conditions and Project Compliance

Resolution 16-70, CD1, FD1	Project
The makai residential tower must be located at least 30 feet mauka from the parking podium's edge.	Does not comply. The residential tower will be located 9.75 feet from the makai parking podium edge. The makai residential tower will be 23.25 feet from the property line.
Project improvements facing in the Diamond Head direction must be set back at least three feet, one inch, from the Project's eastern boundary line, and the Project must include maximum ventilation openings in both the Diamond Head and makai garage walls, beginning at the Diamond Headmakai corners of the garage.	Complies. The setback facing Diamond Head direction is 3.83 feet from the Project's eastern boundary line. The Project includes maximum ventilation openings at the Diamond Head and makai garage walls and at the corners. Solid walls are required for structural support and vehicle ramp, utility room, and offices.
The makai garage wall facing the Lum Sai Ho Tong Temple must have a minimum 10-foot setback.	Complies. The makai garage wall will be set back 13.5 feet from the property line.
The makai garage wall must have a living plant installation.	Complies. The makai garage wall will have vines and there is a landscape strip between the garage wall and property line.
The Lessee obtain statements from each resident in the development in which the resident acknowledges that the resident will be living next to a mortuary and that the mortuary requests that residents respect the privacy of its operations.	Will comply. The Applicant has stated that the Project will fulfill these resident disclosures during lease up.

The five conditions of Resolution No. 16-70, CD1, FD1, were addressed by the Applicant; all but two conditions have been satisfied. The parking podium is not set back 30 feet from the makai residential tower. The disclosures cannot be obtained until the Project is complete.

DPP received a position statement from the adjacent landowner, LSHT, objecting to the proposed setback between the residential tower and the makai parking podium edge, which was reduced from 30 feet to 9.75 feet. LSHT also presented concerns regarding the air quality impact assessment in the NEPA EA, and

objected to the FONSI issued by the DLM. Since the tower setback is not an LUO regulation that may be exempted, the DPP takes no position and understands that the Applicant will request an amendment to the DA established by Resolution No. 16-70, CD1, FD1. This must be approved by the City Council after or in conjunction with the approval of this 201H Project. No condition of approval is necessary associated with this 201H permit.

Similarly, the resident disclosure requirement is not an LUO or City regulation that may be exempted. Therefore, if it is retained in the DA, the Applicant is responsible for compliance. No condition of approval is necessary.

- C. Oahu General Plan, Primary Urban Center Development Plan, and Downtown Neighborhood TOD Plan:
  - General Plan (GP): The GP is a statement of the long-range policy goals for the City and County of Honolulu. The following GP objectives and policies that specifically pertain to the proposed Project include:
    - Developing programs and controls which will provide homes for the least possible cost; and
    - Providing financial and other incentives to encourage the production of homes of low and moderate income.

The Project is generally consistent with the GP and supports its objectives and policies of providing and supporting decent affordable housing production which contributes to the economic and social well-being of Oahu's residents.

2. Primary Urban Center Development Plan (PUCDP): The PUCDP (2004) presents a vision for the future development consisting of policies, guidelines, and conceptual schemes that serve as a policy guide for more detailed zoning maps and regulations, and to direct public and private sector investment decisions. The PUCDP designates the Project area as Medium and Higher-Density Residential/Mixed Use on the Land Use Map. The PUCDP vision for Honolulu encourages growth and redevelopment to accommodate projected increases in the residential population by cultivating livable neighborhoods with an expanded inventory of affordable rental housing and access to a balanced transportation network of multi-modal mobility options (Section 3.2.2.1). The PUCDP encourages in-town housing choices for people of all ages and incomes (Section 2.3), preserving and expanding the current inventory of affordable rental housing units, providing incentives and cost savings for affordable housing, and providing for high-density housing options in mixed-use developments around transit stations (Section ES-4). The Project is also generally consistent with the land uses and policies in the PUCDP.

3. <u>Downtown Neighborhood TOD Plan</u>: The Project is located within the proposed Downtown TOD Special District (SD). The Project site is approximately a 0.4 mile from the future Chinatown Rail Station. The Project Site is designated as Mixed-Use, High-Intensity in the Downtown TOD SD plans vision and guiding principles. The Project supports multi-modal transportation by providing adequate bicycle parking and limited off-street parking.

The Project is consistent with the goals and objectives of the GP, the PUCDP, and Downtown Neighborhood TOD Plan. The Project will provide affordable housing, implement redevelopment of an existing building, and will encourage the use of alternate transportation modes.

D. Flood Hazard Area and Sea Level Rise (SLR): The Flood Insurance Rate Map Community Panel Number 15003C0354G, dated January 18, 2011, indicates that the Project is in Flood Zone X, which are areas of minimal flood hazard determined to be outside the 0.2 percent annual chance floodplain and outside of the 500-year floodplain. However, the DPP informed the DLM and the Applicant in a memorandum dated March 17, 2020 that the Federal Emergency Management Agency completed a Base Level Engineering (BLE) study in 2019 for flood areas on Oahu that were not previously mapped. The BLE identified the flood areas adjacent to Nuuanu Stream, makai of the freeway. According to the BLE, the subject parcel is in the 100-year floodplain with a Base Flood Elevation (BFE) of 12.04. The building will be required to be dry flood proofed below the BFE of 12.04 feet. Measures to prevent floodwaters from entering the building should be provided for all openings into the building that are below the BFE, and building materials should be flood resistant and able to withstand flood forces. Compliance with flood requirements will be reviewed during the BP process, and thus no condition of approval is necessary.

Data from the Hawaii SLR Viewer (Viewer), which estimates the SLR exposure area by combining the footprint of three flooding hazards: 1) Passive flooding; 2) Annual high wave flooding; and 3) Coastal erosion, indicates that no portion of the Project site will be impacted by 3.2 feet of SLR. At six feet of SLR, the Project site will still not be impacted.

- E. <u>Health, Safety, and Infrastructure</u>: The adequacy of the individual infrastructure systems or services are as follows:
  - 1. <u>Water</u>: The BWS indicated that the existing water system is adequate to accommodate the proposed Project. The BWS noted that the determination is based on current data, and that a final decision on the availability of water will be confirmed during the BP approval process.

Separate domestic meters and laterals serving the residential and

- non-residential spaces are required, as well as water conservation measures.
- 2. <u>Wastewater</u>: The Project site is currently served by an existing six-inch sewer lateral, which will be replaced by an eight inch lateral to serve the proposed development. Connection Application No. 2019/SCA-0111 was approved for the Project on January 29, 2019.
- 3. <u>Fire</u>: The building and construction permits will be reviewed for compliance with the appropriate codes by the HFD.
- 5. Police: The Project site is within District 1, Central Honolulu, Sector 1
  Aala Park/Chinatown/Downtown, and Patrol District 1 of the HPD. The
  HPD commented that short-term construction impacts to vehicular and
  pedestrian traffic may be mitigated by the proper use of signs, lights,
  barricades, and other safety equipment maintained by the contractor. The
  construction management plan (CMP) will include these mitigation
  measures and street usage permits, and therefore, a separate condition of
  approval is not required.
- 4. <u>Schools</u>: According to the DOE, because the proposed Project will house seniors aged 62 and older it is exempt from paying school impact fees. The resident manager unit is subject to school impact fees. The Project is located within the Kalihi to Ala Moana School Impact Fee District with a fee amount of \$3,864 per unit. The DOE confirmed receiving the school impact fee payment for the resident manager unit on June 29, 2020. No condition of approval is required.
- 5. Public Parks and Recreation Facilities: Although the Project is seeking waivers from the park dedication ordinance, the proposed development is not expected to have negative impacts on the public parks or recreational facilities nearby. There are several mini parks in the Chinatown/Downtown area to serve the residents, including Dr. Sun Yat-sen Memorial Park, Aala Park, Fort Street Mall Mini Park, Smith-Beretania Urban Park, and Robert Wilcox Mini Park. These parks are within walking distance of the Project and open to the public for recreational use. In addition, recreational opportunities will be provided on-site.
- 6. <u>Solid Waste</u>: Solid waste will be collected on site by a private company.
- 7. <u>Drainage</u>: The Project site is almost entirely covered by impervious surfaces, consisting of an existing building and an asphalt paved parking lot. Stormwater runoff flows from the Project site toward a concrete swale near the southernmost driveway and into a catch basin on River Street.
  - Underground, reinforced, concrete pipes 18 inches in diameter run from

the catch basins and discharge into the adjacent Nuuanu Stream.

After construction of the proposed development, approximately 94 percent of the Project site will consist of impervious surfaces. On-site storm water will be collected by on-site drain inlets, bio-filtration cells and underground drainage pipes which will connect to the existing catch basin at River Street. Four bio-filtration units will be located in the landscaping along the makai side yard, and one bio-filtration unit will be located in the courtyard. Since all new development will have to comply with the Water Quality Rules, no adverse impacts to drainage are anticipated. As such, no condition of approval is necessary.

8. <u>Access, Transportation, and Circulation</u>: Pedestrian access to the main entry of the building for residents, their guests, and users of the MPR and retail space is primarily through the courtyard fronting River Street. There will also be pedestrian access from the lobby into the loading area, to be used mainly for deliveries.

Vehicular access to the Project site is provided by a driveway off of River Street at the makai end of the Project site. The driveway provides access to the Project's parking areas on the second and third stories of the building. In addition, the driveway provides access to a loading area on the first floor.

Parking will not be assigned or reserved but will be available to residents, staff, and visitors to the facility on a first-come, first-serve basis. Depending on resident interest, the Project may participate in ride sharing programs and may designate a specific space(s) as shared parking.

River Street is a one-way, one-lane street in the mauka-bound direction between North Kukui Street and North Vineyard Boulevard. The section of River Street between North Kukui Street and North Beretania Street is a pedestrian promenade. The Applicant conducted a Focused Mobility Analysis Report (MAR), dated August 6, 2019, at two intersections near the Project Site (Kukui Street/Maunakea Street and Kukui Street/River Street). Both intersections were found to function at a Level of Service (LOS) C and LOS A during a.m. and p.m. peak hours, respectively. LOS A, B, and C are considered satisfactory levels of service.

The Applicant found a high volume of pedestrians (203 people crossing at the North Kukui Street/Maunakea Street intersection) during the p.m. peak hours. Bicycle activity in the vicinity was found to be low; a total of 11 bicyclists observed at the North Kukui Street/River Street intersection and 22 bicyclists at the North Kukui Street/Maunakea Street intersection during a.m. and p.m. peak hours. However, greater bicycling activity is expected as the Oahu Bike Plan Update (2018 draft) identifies a proposed bicycle

path on the ewa side of River Street, and proposed bicycle lanes on both sides of North Vineyard Boulevard and North Kukui Street.

Considering the conditions related to a parking management plan and bicycle parking as described earlier, the transportation goals and objectives or the GP, PUCDP, and TOD have been sufficiently addressed. These conditions should be confirmed at the time of application for BPs.

Further, a CMP, a Traffic Management Plan (TMP), and a Transportation Impact Assessment (TIA) should be prepared for the Project and jointly reviewed and accepted by the DTS and DPP. A TMP must demonstrate how the loading area will be managed with the mix of residential drop-off/pick-up as well as trash pick-up and commercial loading activities. The TMP should also discuss traffic impacts the Project may have on any surrounding City roadways, including short-term impacts during construction and long-term impacts after construction with corresponding measures to mitigate these impacts by applying complete streets principles. This should be a condition of approval.

The CMP should identify the type, frequency, and routing of heavy trucks and construction-related vehicles. The Applicant should make every effort to minimize impacts from construction vehicles and related construction activities. The CMP should identify and limit construction-related vehicular activity to periods outside of the peak periods of traffic, utilizing alternative routes for heavy trucks, provisions for either on-site or off-site staging areas for construction-related workers and vehicles to limit the use of on-street parking around the Project site, and other mitigation measures related to traffic and potential neighborhood impacts. Preliminary or conceptual traffic control plans also be included in the CMP. The Applicant should document the condition of roadways prior to the start of construction activities and provide remedial measures, as necessary, such as restriping, road resurfacing, and/or reconstruction if the condition of the roadways has deteriorated as a result of the related construction activities. This should be a condition of approval.

The TIA examines the vehicle, pedestrian, bicycle, and public transit stress and comfort levels at the nearby intersections and driveways with corresponding improvements to mitigate these impacts by applying Complete Streets principles. The TIA shall discuss the future year growth rate, trip distribution, mode split, and route assignment assumptions used. Native files (e.g., Synchro, Excel, etc.) for the raw multi-modal counts and accompanying analyses shall be submitted. (Refer to the DTS TIA Guide for multimodal assessment tools and recommended analyses.) This should be made a condition of approval.

Lastly, the DTS provides the following guidance:

- A street usage permit from the DTS shall be obtained for any construction-related work that may require the temporary closure of any traffic lane or pedestrian mall on a City street.
- b. The area representatives, neighborhood board, as well as the area residents, businesses, emergency personnel (fire, ambulance, and police), Oahu Transit Services, Inc. (TheBus and TheHandivan), etc., should be kept apprised of the details and status throughout the Project and the impacts that the Project may have on the adjoining local street area network.
- c. Project plans (vehicular and pedestrian circulation, sidewalks, parking and pedestrian pathways, vehicular ingress/egress, etc.) should be reviewed and approved by the State Disability and Communication Access Board to ensure full compliance with Americans with Disabilities Act requirements.

No conditions of approval are required related to the above three items.

9. Grading, Grubbing, and Trenching: Due to the relatively level topography at the site, the Project will involve minimal site grading work. Areas within the grading limits will be cleared and grubbed thoroughly. The Project will use a deep foundation system consisting of micropiles with a diameter of 7.6 inches, extending about 75 to 120 feet below the bottom of the foundation cap elevations. Required permits will be reviewed by the DPP at the appropriate time for compliance with the relevant regulations. No condition of approval is necessary.

As discussed above, the infrastructure for the Project is adequate to support the proposed development and the requested exemptions and deferral of fees and will not pose danger to the public health and safety.

F. <u>DA</u>: To ensure efficient implementation and monitoring of the Project, the DPP recommends that the Applicant execute a DA with the City to ensure ongoing compliance with any Council approved Resolution and Chapter 201H, HRS. This should be a condition of approval.

### IV. CONCLUSION

The Applicant has submitted all required documentation. The Project is consistent with the provisions of Section 201H-38, HRS.

A. The Project provides affordable housing units.

- B. The Project will meet the minimum requirements for health and safety.
- C. The Project is in compliance with safety standards, tariffs, rates, and fees approved by the PUC for public utilities or the BWS.

The proposed affordable rental housing Project satisfies the eligibility criteria specified in the HRS Chapter 201H and the City's application requirements.

### V. RECOMMENDATION

A. <u>Proposed Exemptions</u>: Pursuant to the above, the Director of the Department of Planning and Permitting (DPP) recommends approval of the affordable rental housing Project, as shown on Exhibits A through O, from requested exemptions from statutes, ordinances, and rules relating to zoning for development and improvement of land, and the construction of units thereon summarized in the following:

### **Application Fees**:

- 1. Exemption from Section 14-14.4, Revised Ordinances of Honolulu (ROH), to allow an exemption from payment of grading and grubbing permit fees, estimated at \$1,155.
- 2. Exemption from Section 14-13.6, ROH, to allow an exemption from payment of erosion and sediment control plan review fee, estimated at \$250.
- 3. Exemption from Section 14-17.1, ROH, to allow an exemption from trenching, repair and service permit fee, estimated at \$775.
- 4. Exemption from Section 18-6.1, ROH, to allow an exemption from payment of plan review fees, estimated at \$30,000.
- 5. Exemption from Section 18-6.2, ROH, to allow an exemption from payment of building permit (BP) fees, estimated at \$320,000.

## Fire Department Review Fees:

6. Exemption from Section 20-1.1(3) and 20-1.12.8, ROH, to allow an exemption from Honolulu Fire Department plan review fees, estimated at \$14,056.

### Infrastructure and Public Works Fees and Charges:

- 7. Exemption from Sections 14-6.4, 14-10.1 to 10.3, and 14-10.6, ROH, to allow an exemption from payment of wastewater system facility charges and sewer connection fee, estimated at \$192,000, or as determined by the Department of Environmental Services.
- 8. Exemption from Section 14-12.12, ROH, to allow an exemption from private storm drain connection license fee, estimated at \$200.
- 9. Exemption from Sections 1-102 and 2-202(2), ROH, to allow an exemption from payment of water system connection, facility, meter, and connection fees, estimated at \$285,000.

### Park Dedication Ordinance Requirements:

10. Exemption from Section 22-7, ROH, to allow exemption from the provision of 15,795 square feet of recreational space or payment of an equivalent in-lieu fee, estimated at \$4,738,500.

## Land Use Ordinance (LUO):

- 11. Business Mixed Use District Development Standards:
  - a. Exemption from LUO Section 21-3.120-2(b), Table 21-3.4, to allow an exemption from the maximum floor area ratio (FAR) of 4.0 by 1.9 and allow an FAR of 5.9.
  - b. Exemption from LUO Section 21-3.120-2(b), Table 21-3.4, to allow an exemption from the five-foot front yard to allow the multi-purpose room to be built at the property line.
  - c. Exemption from LUO Section 21-3.120-2(c)(1), to allow an exemption from the requirement that the front yard must be landscaped.
- 12. Vehicular and Bicycle Parking and Loading:
  - a. Exemption from LUO Section 21-6.50(b)(3), relating to tandem parking, to allow exemption to the requirement to assign tandem spaces to an individual dwelling unit and to allow residents, customers, and guests to park in any tandem parking space.

- b. Exemption from LUO Section 21-6.40(b), to allow exemption from the required bicycle parking to provide six short-term spaces instead of 20 spaces, and provide 76 long-term spaces instead of 78 spaces.
- c. Exemption from LUO Section 21-6.40(d)(2), to allow exemption to the bicycle parking location requirements, to provide at least four short-term bicycle parking spaces as close as possible to the entrances of principal uses on the lot and allow the remaining short-term bicycle parking spaces near the loading entrance.
- d. Exemption from LUO Section 21-6.110, to allow exemption to the required number of loading spaces to provide one loading space instead of the two required loading spaces.
- e. Exemption from LUO Section 21-6.130, to allow exemption to the minimum loading space dimensional requirements, and provide an 8.5 x 19 feet loading space with a vertical clearance of at least 10 feet instead of the required 12 x 35 feet loading space with a vertical clearance of at least 14 feet.
- 13. <u>Transit-Oriented Development (TOD) Special District Development</u>
  <u>Standards</u>: These exemptions are effective if the Downtown TOD Special District is established prior to the application for BPs.
  - a. Exemption from LUO Section 21-9.100-8(a)(3)(A), to allow exemption from minimum and maximum front yard setbacks.
  - b. Exemption from LUO Section 21-9.100-8(a)(3)(E)(ii), to allow exemption to the requirement that ground floor residential uses that encroach into the front yard should be landscaped and other portions of the front yard to be landscaped except for necessary drives and walkways.
  - c. Exemption from LUO Section 21-9.100-8(a)(3)(D)(iii), to allow exemption to the requirement that the ground floor building façade be located within the maximum front setback for 65 percent of the linear street frontage to allow the Project's façade to be located within 10 feet of the front property line for only 40 percent of the street frontage.
  - d. Exemption from LUO Section 21-9.100-8(c)(5), to allow exemption to the requirement that service areas and loading stalls be located at the side or rear of the site.

- e. Exemption from LUO Section 21-9.100-8(c)(5), to allow exemption to the requirement that the ground floor of parking structures on all streets must be designed and used for active ground floor activities within 40 feet of the front property line.
- f. Exemption from LUO Section 21-9.100-8(a)(4)(c), to allow exemption to the requirement that one entrance should be placed every 50 feet of the building façade facing a street or pedestrian plaza.
- g. Exemption from LUO Section 21-2.40-2, to allow exemption from the Downtown TOD Special District Permit Process and Major Permit requirements.
- B. <u>Conditions of Approval</u>: Pursuant to the above, the Director of the DPP recommends the following conditions:
  - Except as modified herein, development must be in general conformance with the approved Project, as described herein and shown on plans and drawings labeled as Exhibits A through O. The Director may approve minor or non-substantive deviations (for example, minor design changes to comply with flood requirements and accommodate flood proofing measures). Major modifications to the site plan will require approval by the City Council.
  - 2. Prior to applying for BPs, the Applicant must submit revised plans to the DPP for review and approval which show the following:
    - a. All bicycle parking spaces with minimum dimensions of two feet by six feet.
    - b. At least four bicycle parking spaces located in the courtyard.
  - 3. Prior to the approval of any construction or BPs, the Applicant must submit for review for approval of the following:
    - a. To the DPP and the Department of Transportation Services (DTS), a construction management plan (CMP) for the Project prior to the issuance of BPs for major construction work. The CMP should identify the type, frequency, and routing of heavy trucks and construction-related vehicles. The Applicant should make every effort to minimize impacts from construction vehicles and related construction activities. The CMP should identify and limit construction-related vehicular activity to periods outside of the peak periods of traffic, utilizing alternative routes for heavy trucks,

provisions for either on-site or off-site staging areas for construction-related workers and vehicles to limit the use of on-street parking around the Project site, and other mitigation measures related to traffic and potential neighborhood impacts. Preliminary or conceptual traffic control plans should also be included in the CMP. The Applicant should document the condition of roadways prior to the start of construction activities and provide remedial measures, as necessary, such as restriping, road resurfacing, and/or reconstruction if the condition of the roadways has deteriorated as a result of the related construction activities.

- b. To the DPP and DTS, a Traffic Management Plan (TMP) that demonstrates how the loading area will be managed with the mix of residential drop-off/pick-up as well as trash pick-up and commercial loading activities. The TMP should also discuss traffic impacts the Project may have on any surrounding City roadways, including short-term impacts during construction and long-term impacts after construction with corresponding measures to mitigate these impacts by applying complete streets principles.
- c. To the DTS and DPP, a Transportation Impact Assessment (TIA) that examines the vehicle, pedestrian, bicycle, and public transit stress and comfort levels at the nearby intersections and driveways with corresponding improvements to mitigate these impacts by applying Complete Streets principles. The TIA shall discuss the future year growth rate, trip distribution, mode split, and route assignment assumptions used. Native files (e.g., Synchro, Excel, etc.) for the raw multi-modal counts and accompanying analyses shall be submitted. Refer to the DTS TIA Guide for multimodal assessment tools and recommended analyses.
- 4. Prior to the issuance of a certificate of occupancy (CO), the Applicant must submit to the DPP for review and approval a parking management plan which describes how the tandem parking stalls will be managed.
- 5. Approximately one year after the issuance of the CO, the Applicant must submit to the DPP for review and approval updates to the Focused Mobility Analysis Report (MAR) to validate the traffic projections, trip reduction rates, distribution, and assignment contained in the initial MAR dated August 6, 2019.

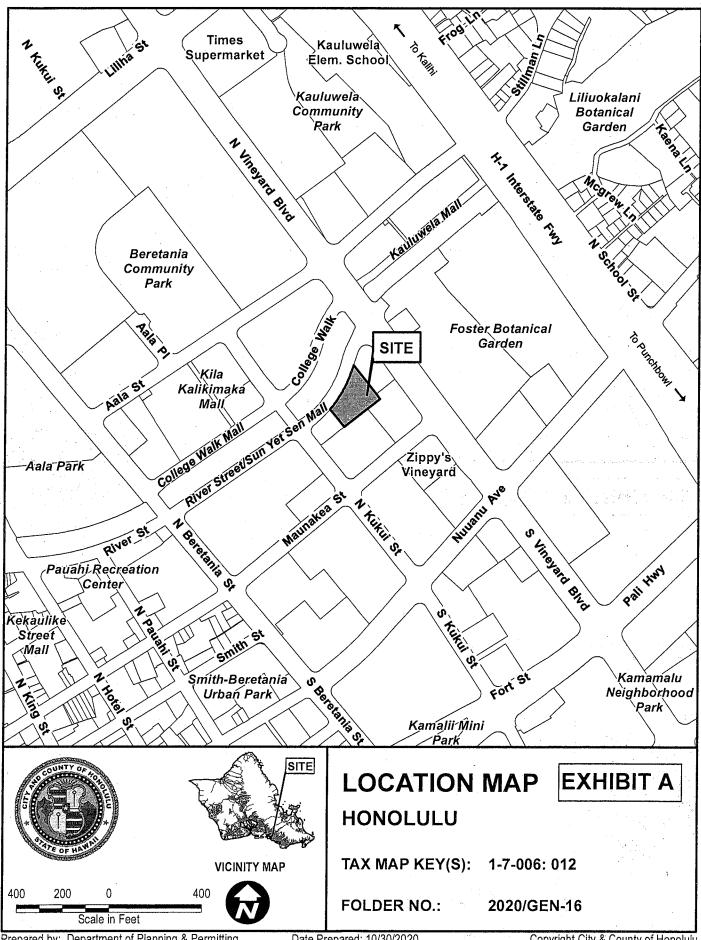
6. Prior to the issuance of any BPs for the Project, the Applicant must execute a development agreement with the DPP that includes terms, conditions, and provisions to facilitate the efficient development and monitoring of the Project, and to ensure the Project's compliance with the requirements of Hawaii Revised Statutes (HRS) Chapter 201H and the draft Resolution.

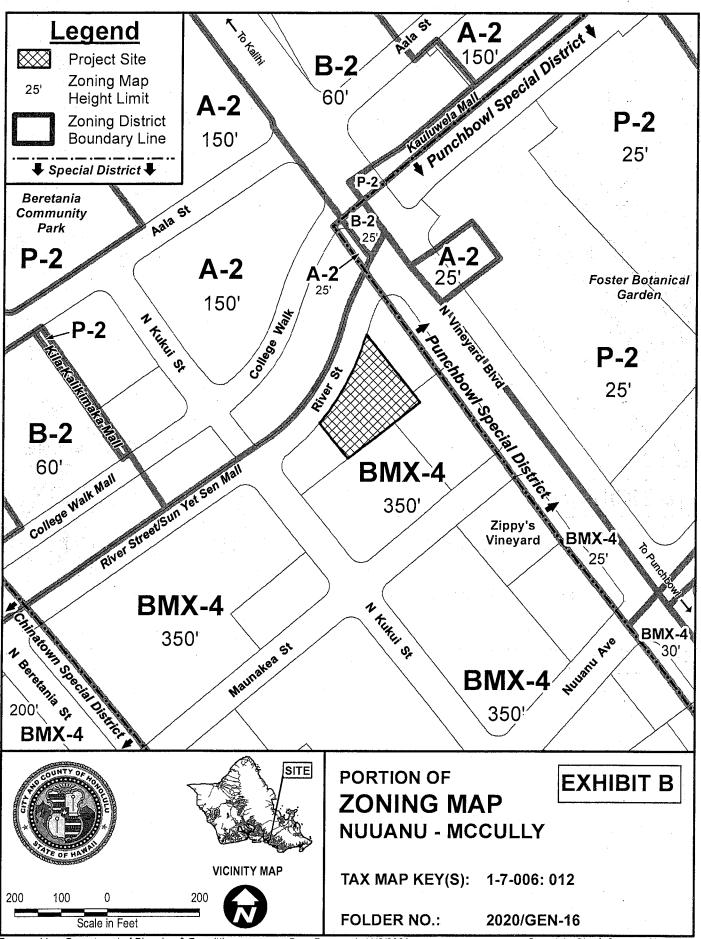
Dated at Honolulu, Hawaii, this 29th day of December, 2020.

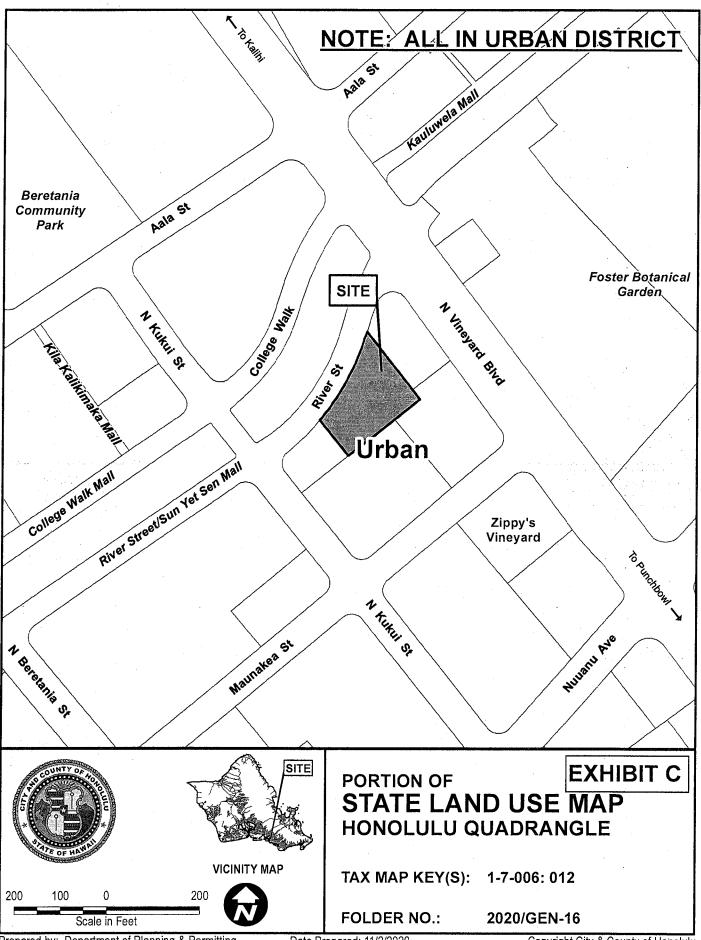
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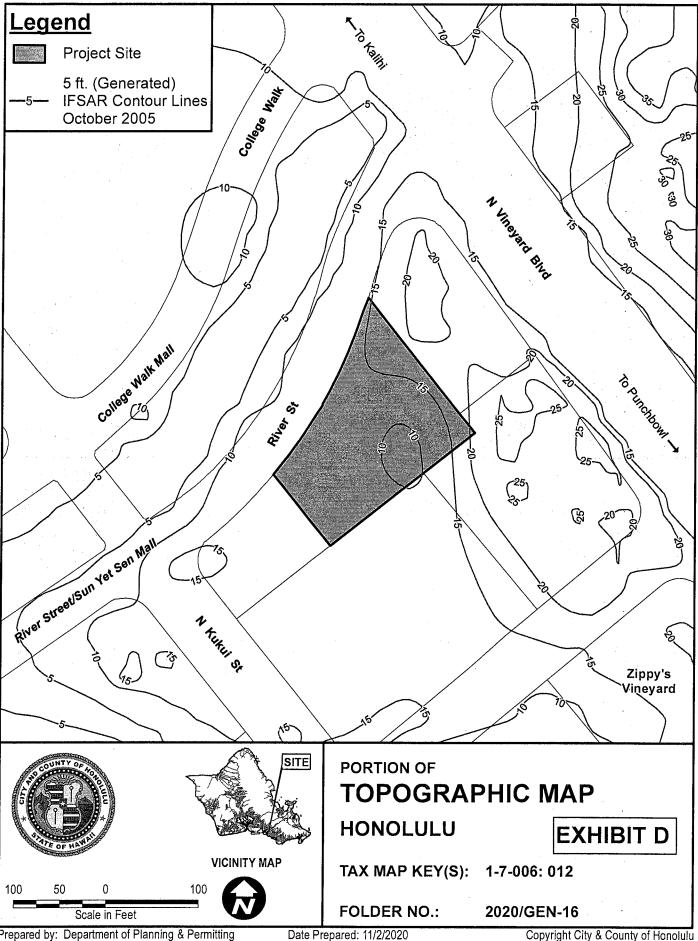
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	Acting Director	

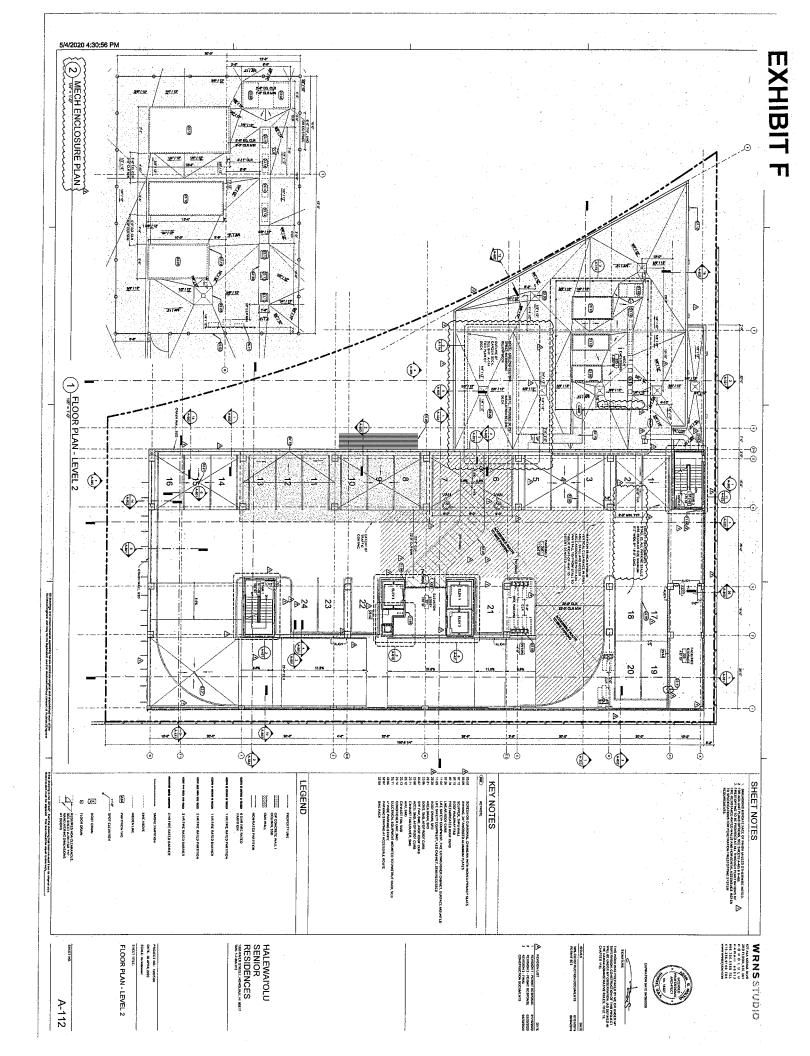
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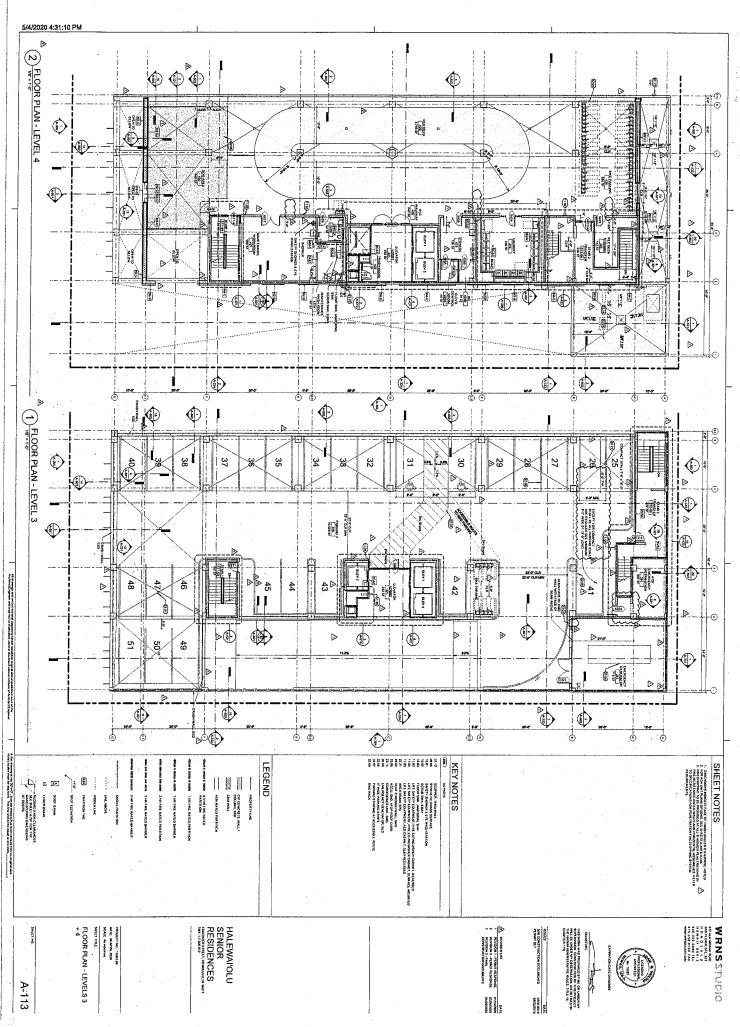


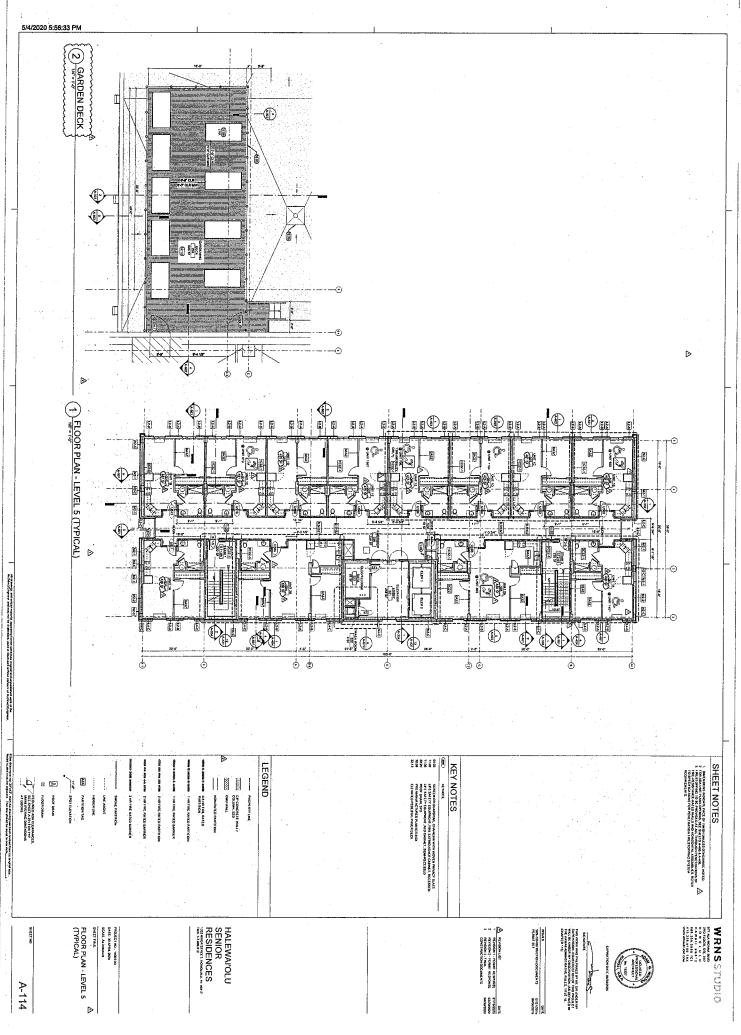






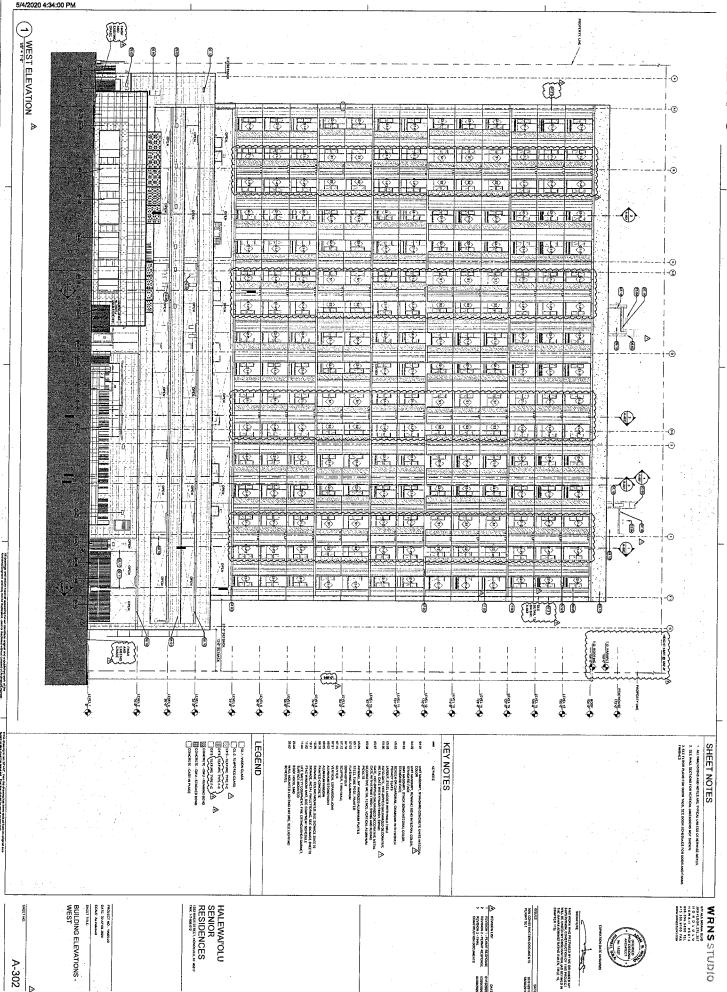


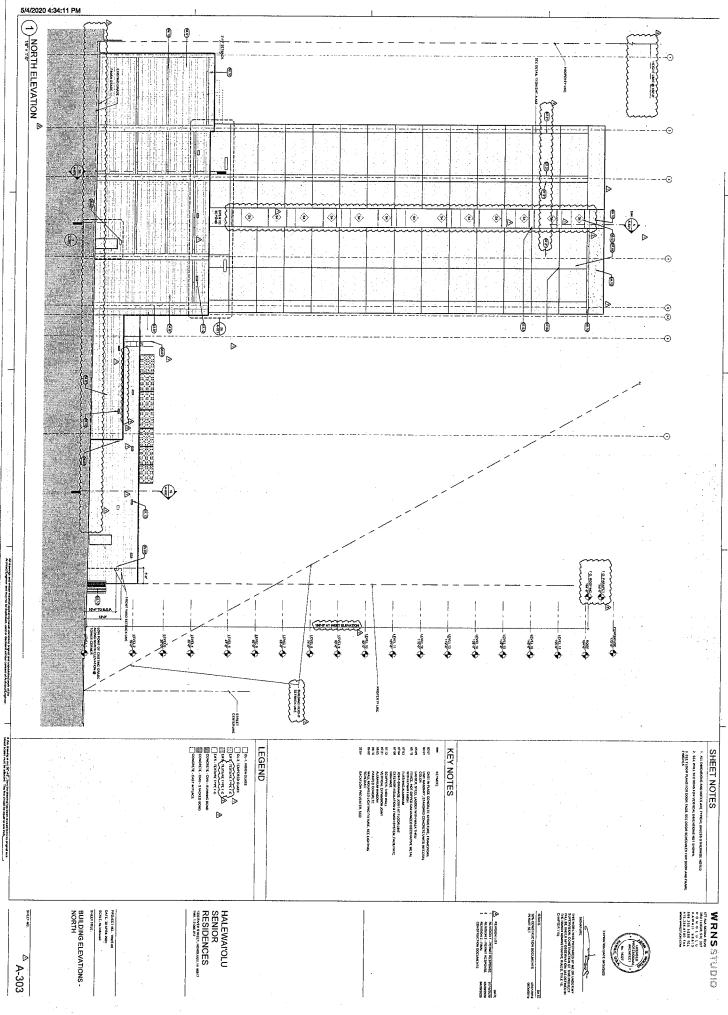




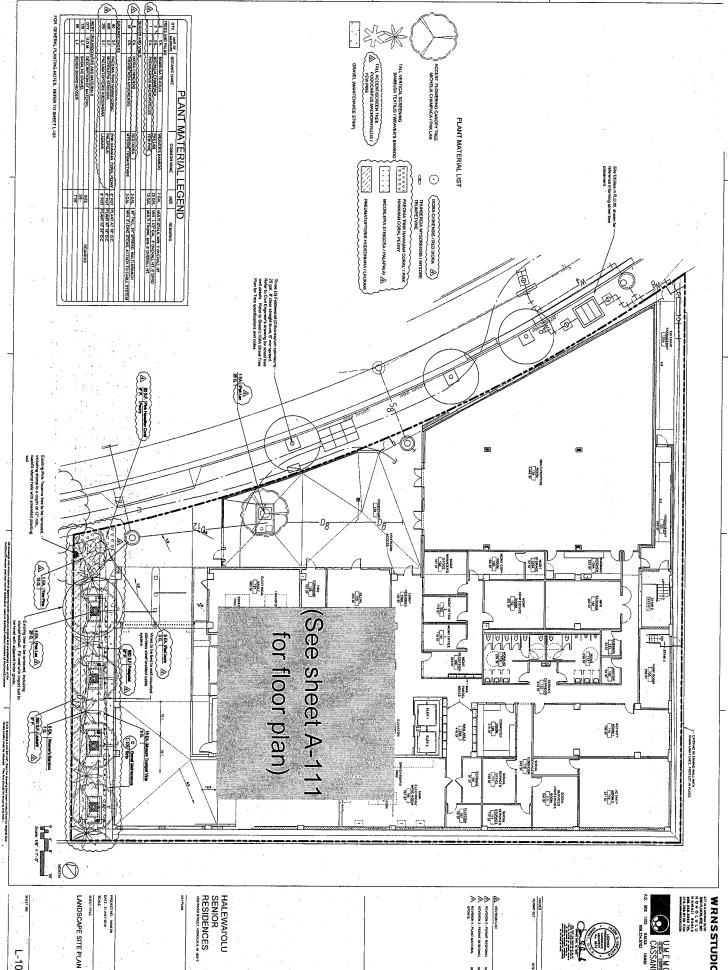
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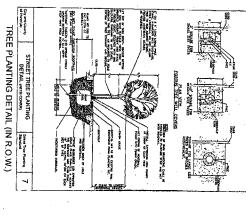
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BATE CONTROL

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### **EXHIBIT 0**



DEPARTMENT OF PLANNING AND PERMITTING
Urban Design Branch

STREET TREE NOTES

ponsible for any damages to the City's existing street lighting stacibles, trailic signal stackess (custoning the Ysfan, communications liter optic citibe pytems and trailic signal flow optic cube system. Any and all shall be required by the contractor at his cost in accordance with the requirements of the City and County.

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Project Location

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STREET TREE PLAN

HALEWAI'OLU SENIOR RESIDENCES

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APPROVED BY:



No.			

AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE HALEWAIOLU SENIOR RESIDENCES, AFFORDABLE HOUSING PROJECT AT HONOLULU, OAHU, HAWAII, TAX MAP KEY 1-7-006: 012.

WHEREAS, the Halewaiolu Senior Development, LLC, a developer and manager specializing in affordable housing, proposes to develop an elderly, affordable multi-family rental housing project on about 25,925 square feet of BMX-4 Central Business Mixed Use District-zone land located at 1331 River Street in Honolulu and identified by Tax Map Key 1-7-006: 012, which is owned by the City and County of Honolulu, to be known as Halewaiolu Senior Residences (the "Project") as described in Exhibits A through P attached to this resolution; and

WHEREAS, the Project consists of a 17-story building, containing a total of 156 dwelling units (155 elderly affordable rental units and one market-rate resident manager unit), residential amenities, bicycle parking, and 51 parking spaces; and

WHEREAS, the Project's affordable rental units, comprised of one-bedroom and two-bedroom units, will be available to households earning between 30 percent to 80 percent of the area median income ("AMI") for Honolulu, with 16 units affordable to families earning 80 percent of AMI, 131 units affordable to families earning 60 percent of AMI, and 8 units affordable to 30 percent of AMI for an affordability period of 65 years; and

WHEREAS, the Project is eligible to receive consideration under the City's rules implementing Section 201H-38 of the Hawaii Revised Statutes ("HRS"), which require that at least 50 percent of a project's total units must be available to housing earning at or below 80 percent of the AMI; and

WHEREAS, the City Council is empowered and authorized to approve the Project which may include exemptions from statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivision, development and improvement of land, and the construction of units thereon pursuant to Sections 46-15.1 and 201H-38, HRS; and

WHEREAS, the City Council has reviewed the preliminary plans and specifications dated October 13, 2020 (the "Plans"), attached as Exhibits, and submitted to the Council by the Department of Planning and Permitting ("DPP") on December 28, 2020 (the Applicant having agreed to an extension of the administrative deadline, by Departmental Communication \_\_\_\_\_ (2020); and



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WHEREAS, the Project is consistent with the housing and community development goals and objectives of the City; and

WHEREAS, the granting of the exemptions is necessary for the timely and successful implementation of the Project;

WHEREAS, the Project does not contravene any safety standards, tariffs, or rates and fees approved by the Public Utilities Commission or the Board of Water Supply; and

WHEREAS, the exemptions authorized herein meet the intent of HRS Chapter 201H, and the minimum requirements of health and safety; now, therefore,

BE IT RESOLVED by the City Council of the City and County of Honolulu that it approves the Project, which approval includes exemptions from certain requirements for the Project as set forth in the preliminary plans and specification referenced above, and generally identified below, as follows:

### **Application Fees:**

- A. Exemption from Section 14-14.4, Revised Ordinances of Honolulu (ROH), to allow an exemption from payment of grading and grubbing permit fees, estimated at \$1,155.
- B. Exemption from Section 14-13.6, ROH, to allow an exemption from payment of erosion and sediment control plan review fee, estimated at \$250.
- C. Exemption from Section 14-17.1, ROH, to allow an exemption from trenching, repair and service permit fee, estimated at \$775.
- D. Exemption from Section 18-6.1, ROH, to allow an exemption from payment of plan review fees, estimated at \$30,000.
- E. Exemption from Section 18-6.2, ROH, to allow an exemption from payment of building permit (BP) fees, estimated at \$320,000.

### Fire Department Review Fees:

F. Exemption from Section 20-1.1(3) and 20-1.12.8, ROH, to allow an exemption from Honolulu Fire Department plan review fees, estimated at \$14,056.



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### <u>Infrastructure and Public Works Fees and Charges</u>:

- G. Exemption from Sections 14-6.4, 14-10.1 to 10.3, and 14-10.6, ROH, to allow an exemption from payment of wastewater system facility charges and sewer connection fee, estimated at \$192,000 or as determined by the Department of Environmental Services (ENV).
- H. Exemption from Section 14-12.12, ROH, to allow an exemption from private storm drain connection license fee, estimated at \$200.
- I. Exemption from Sections 1-102 and 2-202(2), ROH, to allow an exemption from payment of water system connection, facility, meter, and connection fees, estimated at \$285,000.

### Park Dedication Ordinance Requirements:

J. Exemption from Section 22-7, ROH, to allow exemption from the provision of 15,795 square feet of recreational space or payment of an equivalent in-lieu fee, estimated at \$4,738,500.

### Land Use Ordinance (LUO):

- K. Exemption from LUO Section 21-3.120-2(b) Table 21-3.4, to allow an exemption from the maximum floor area ratio (FAR) of 4.0 by 1.9 and allow an FAR of 5.9.
- L. Exemption from LUO Section 21-3.120-2(b) Table 21-3.4, to allow an exemption from the five-foot front yard to allow the multi-purpose room to be built at the property line.
- M. Exemption from LUO Section 21-3.120-2(c)(1), to allow an exemption from the requirement that the front yard must be landscaped.
- N. Exemption from LUO Section 21-6.50(b)(3), relating to tandem parking, to allow exemption to the requirement to assign tandem spaces to an individual dwelling unit and to allow residents, customers, and guests to park in any tandem parking space.
- O. Exemption from LUO Section 21-6.40(b), to allow exemption from the required bicycle parking to provide six short-term spaces instead of 20 spaces, and provide 76 long-term spaces instead of 78 spaces.



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- P. Exemption from LUO Section 21-6.40(d)(2), to allow exemption to the bicycle parking location requirements, to provide at least four short-term bicycle parking spaces as close as possible to the entrances of principal uses on the lot and allow the remaining short-term bicycle parking spaces near the loading entrance.
- Q. Exemption from LUO Section 21-6.110, to allow exemption to the required number of loading spaces to provide one loading space instead of the two required loading spaces.
- R. Exemption from LUO Section 21-6.130, to allow exemption to the minimum loading space dimensional requirements, and provide an 8.5 x 19 feet loading space with a vertical clearance of at least 10 feet instead of the required 12 x 35 feet loading space with a vertical clearance of at least 14 feet.

### <u>Transit-Oriented Development (TOD) Special District Development Standards:</u>

- S. Exemption from LUO Section 21-9.100-8(a)(3)(A), to allow exemption from minimum and maximum front yard setbacks.
- T. Exemption from LUO Section 21-9.100-8(a)(3)(E)(ii), to allow exemption to the requirement that ground floor residential uses that encroach into the front yard should be landscaped and other portions of the front yard to be landscaped except for necessary drives and walkways.
- U. Exemption from LUO Section 21-9.100-8(a)(3)(D)(iii), to allow exemption to the requirement that the ground floor building façade be located within the maximum front setback for 65 percent of the linear street frontage to allow the Project's façade to be located within 10 feet of the front property line for only 40 percent of the street frontage.
- V. Exemption from LUO Section 21-9.100-8(c)(5), to allow exemption to the requirement that service areas and loading stalls be located at the side or rear of the site.
- W. Exemption from LUO Section 21-9.100-8(c)(5), to allow exemption to the requirement that the ground floor of parking structures on all streets must be designed and used for active ground floor activities within 40 feet of the front property line.



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- X. Exemption from LUO Section 21-9.100-8(a)(4)(c), to allow exemption to the requirement that one entrance should be placed every 50 feet of the building façade facing a street or pedestrian plaza.
- Y. Exemption from LUO Section 21-2.40-2, to allow exemption from the Downtown TOD Special District Permit Process and Major Permit requirements.

BE IT FURTHER RESOLVED that the approval of the foregoing exemptions is subject to the following conditions:

- A. Except as modified herein, development must be in general conformance with the approved Project, as described herein and shown on plans and drawings labeled as Exhibits A through O. The Director may approve minor or non-substantive deviations (for example, minor design changes to comply with flood requirements and accommodate flood proofing measures). Major modifications to the site plan will require approval by the City Council.
- B. Prior to applying for building permits, the Applicant must submit revised plans to the DPP for review and approval which show the following:
  - 1. All bicycle parking spaces with minimum dimensions of two feet by six feet.
  - 2. At least four bicycle parking spaces located in the courtyard.
- C. Prior to the approval of any construction or BPs, the Applicant must submit for review for approval of the following:
  - 1. To the DPP and the Department of Transportation Services (DTS), a construction management plan (CMP) for the Project prior to the issuance of BPs for major construction work. The CMP should identify the type, frequency, and routing of heavy trucks and construction-related vehicles. The Applicant should make every effort to minimize impacts from construction vehicles and related construction activities. The CMP should identify and limit construction-related vehicular activity to periods outside of the peak periods of traffic, utilizing alternative routes for heavy trucks, provisions for either on-site or off-site staging areas for construction-related workers and vehicles to limit the use of on-street parking around the Project site, and other mitigation measures related to traffic and potential neighborhood impacts. Preliminary or



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conceptual traffic control plans should also be included in the CMP. The Applicant should document the condition of roadways prior to the start of construction activities and provide remedial measures, as necessary, such as restriping, road resurfacing, and/or reconstruction if the condition of the roadways has deteriorated as a result of the related construction activities.

- 2. To the DPP and DTS, a Traffic Management Plan (TMP) that demonstrates how the loading area will be managed with the mix of residential drop-off/pick-up as well as trash pick-up and commercial loading activities. The TMP should also discuss traffic impacts the Project may have on any surrounding City roadways, including short-term impacts during construction and long-term impacts after construction with corresponding measures to mitigate these impacts by applying complete streets principles.
- 3. To the DTS and DPP, a Transportation Impact Assessment (TIA) that examines the vehicle, pedestrian, bicycle, and public transit stress and comfort levels at the nearby intersections and driveways with corresponding improvements to mitigate these impacts by applying Complete Streets principles. The TIA shall discuss the future year growth rate, trip distribution, mode split, and route assignment assumptions used. Native files (e.g., Synchro, Excel, etc.) for the raw multi-modal counts and accompanying analyses shall be submitted. Refer to the DTS TIA Guide for multimodal assessment tools and recommended analyses.
- D. Prior to the issuance of a certificate of occupancy (CO), the Applicant must submit to the DPP for review and approval a parking management plan which describes how the tandem parking stalls will be managed.
- E. Approximately one year after the issuance of the CO, the Applicant must submit to the DPP for review and approval updates to the Focused Mobility Analysis Report (MAR) to validate the traffic projections, trip reduction rates, distribution, and assignment contained in the initial MAR dated August 6, 2019.
- F. Prior to the issuance of any BPs for the Project, the Applicant must execute a development agreement with the DPP that includes terms, conditions, and provisions to facilitate the efficient development and monitoring of the Project, and to ensure the Project's compliance with the requirements of Hawaii Revised Statutes (HRS) Chapter 201H and the draft Resolution.



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BE IT FURTHER RESOLVED that reference to specific statutes, ordinances, or regulations include respective successor statutes, ordinances, or regulations; and

BE IT FURTHER RESOLVED that the exemptions granted for the Project are not transferable to any other real property; and

BE IT FURTHER RESOLVED that the final plans and specifications for the Project constitute the zoning, building, and construction standards for the Project and are approved if those plans and specifications do not substantially deviate from the Plans submitted to the City Council; provided that minor modifications to the design character or specifications of the building, or landscaping may be approved by the DPP, if such modifications are consistent with the prevailing neighborhood character; and

BE IT FURTHER RESOLVED that no action may be prosecuted or maintained against the City and County of Honolulu, its officials or employees, on account of actions taken by them in reviewing or approving the plans and specifications, or in granting the exemptions listed herein; and

BE IT FURTHER RESOLVED that the Director of the DPP is authorized to execute and record the development agreement referenced above, pursuant to the terms, conditions, and provisions approved as to form and legality by the Corporation Counsel as being necessary, advisable, or desirable for the purpose of carrying out this resolution; and

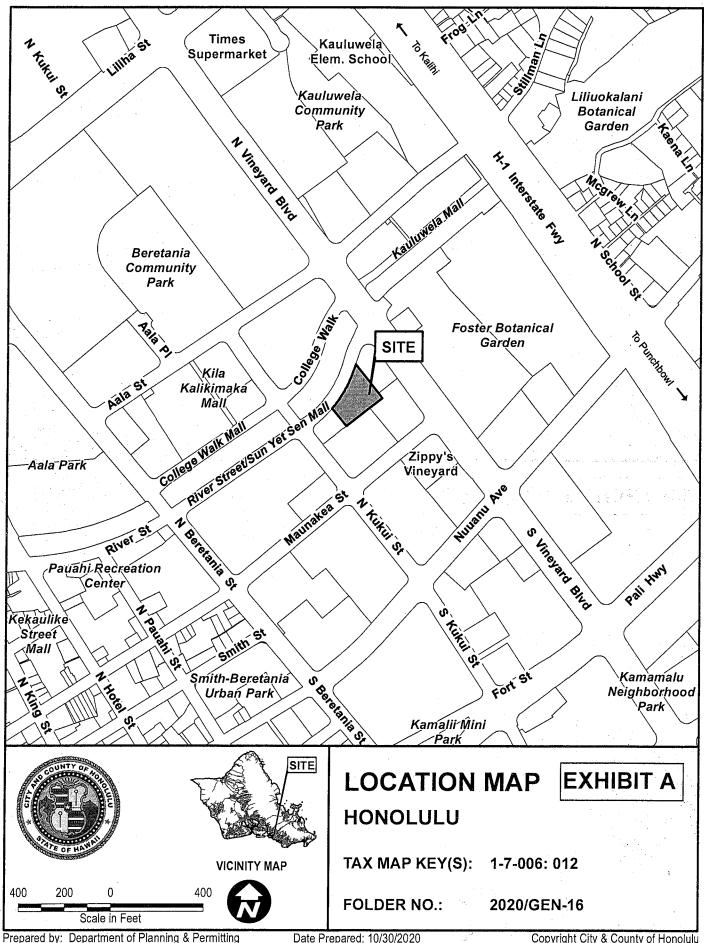
BE IT FURTHER RESOLVED that the Director of the DPP is authorized to execute any incidental or related documents to carry out the transactions described above, so long as said documents do not increase either directly or indirectly the financial obligations of the City; and

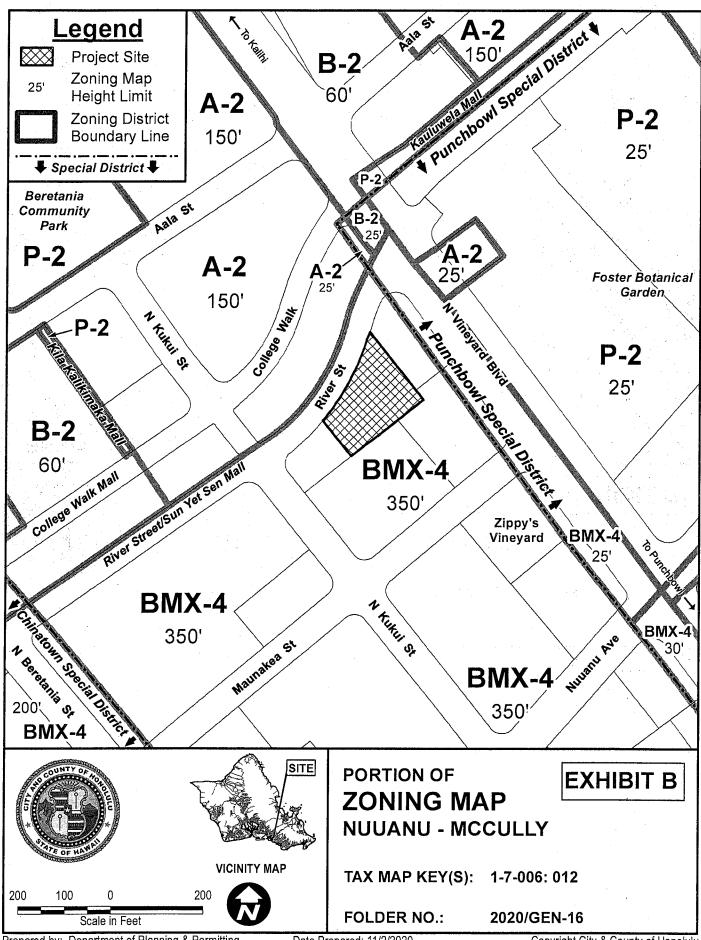


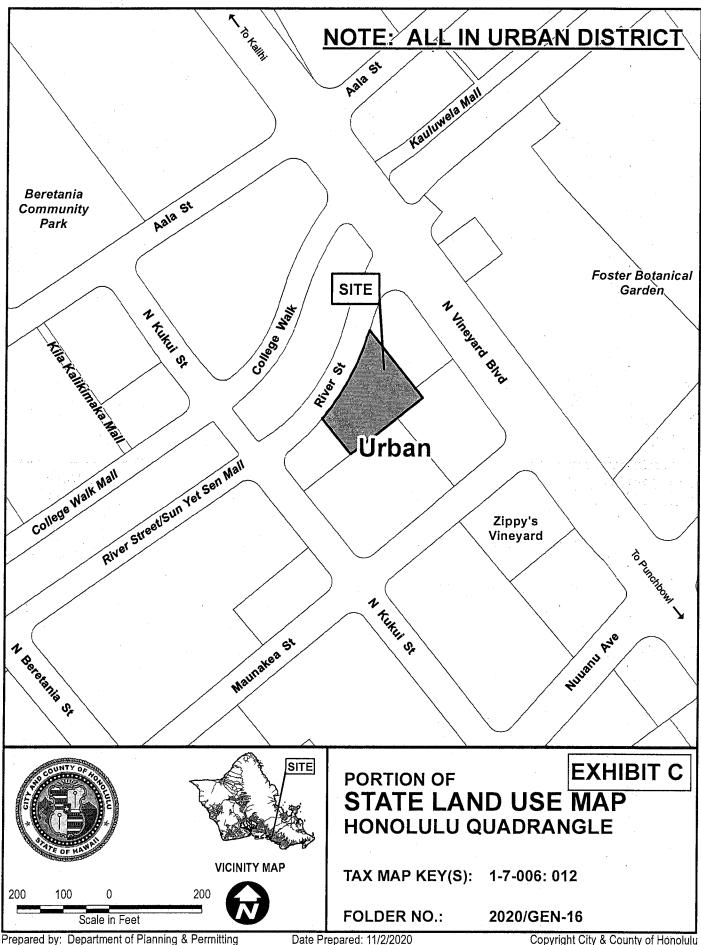
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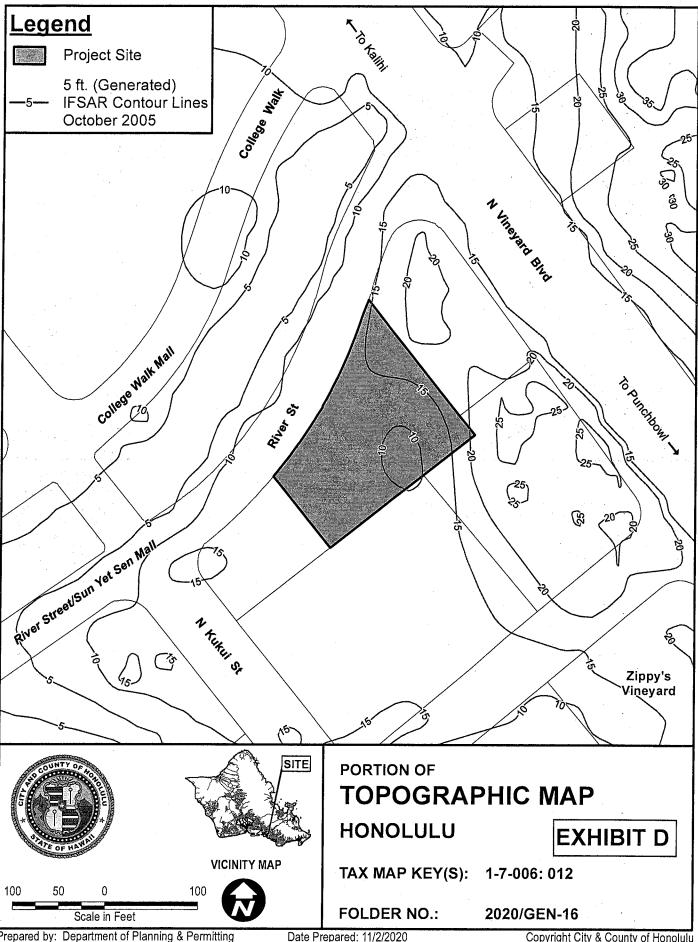
BE IT FINALLY RESOLVED by the City Council of the City and County of Honolulu that the Clerk transmit copies of this Resolution to: Kathy K. Sokugawa, Acting Director, Department of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, Hawaii 96813; Sandra S. Pfund, Director, Department of Land Management, 558 South King Street, Honolulu, Hawaii 96813; Karen Seddon, Halewaiolu Senior Development, LLC, 737 Bishop Street, Suite 2020, Honolulu, Hawaii 96813; and Keith Kurahashi, R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawaii, 96819.

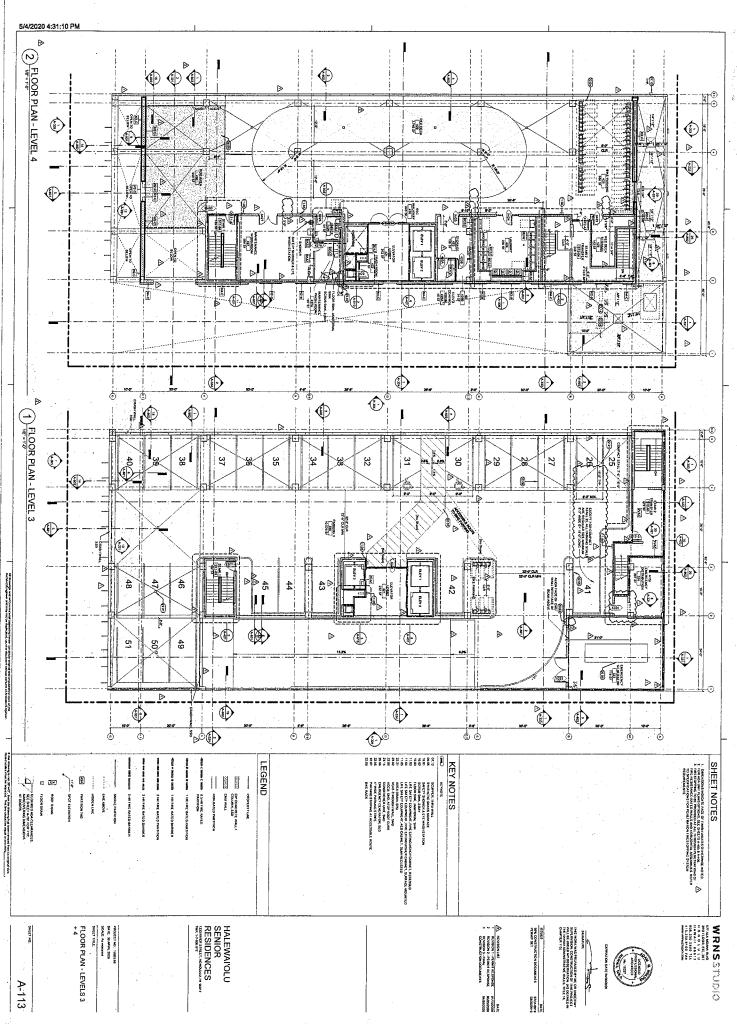
	INTRODUCED BY:
DATE OF INTRODUCTION:	
Honolulu, Hawaii	Councilmembers

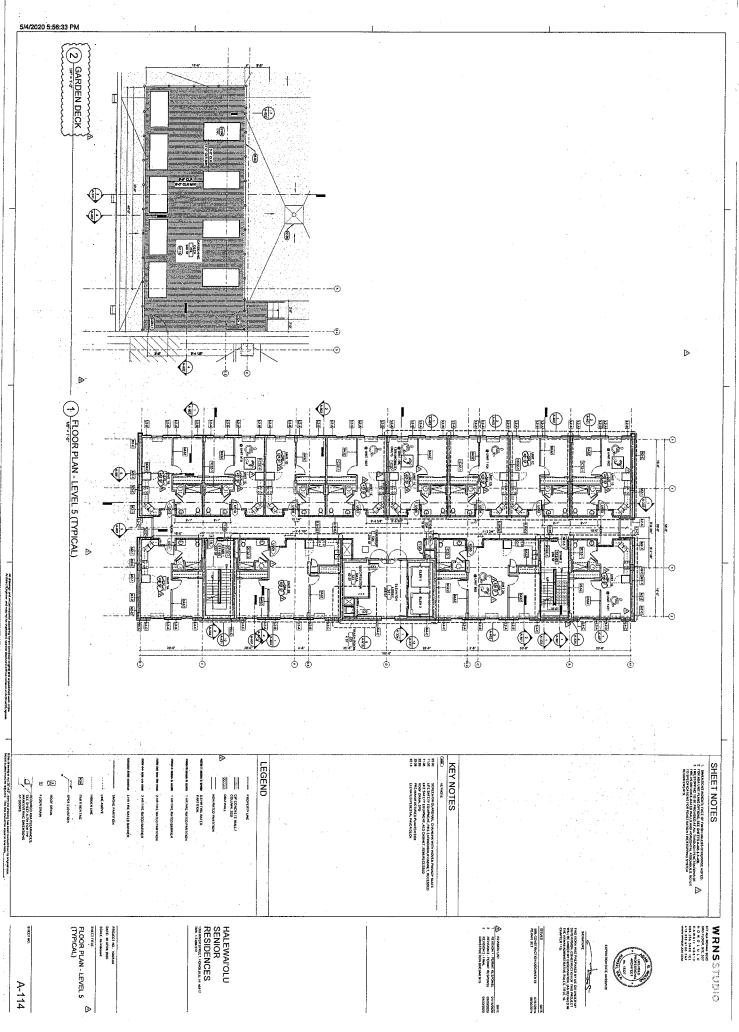










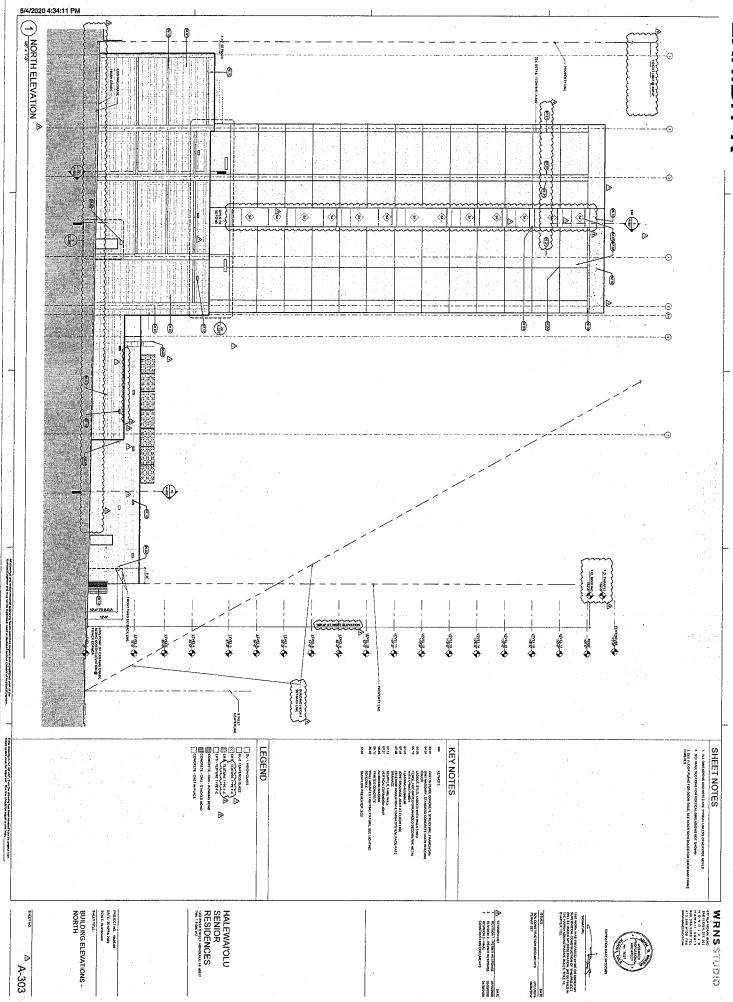


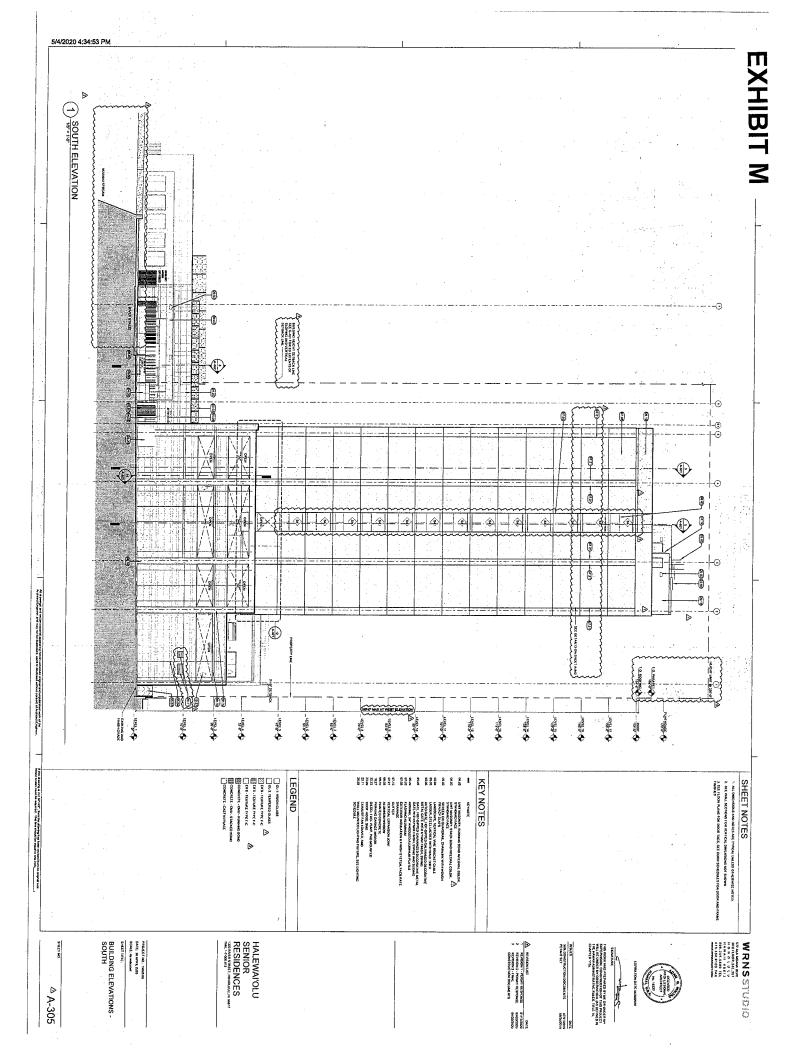
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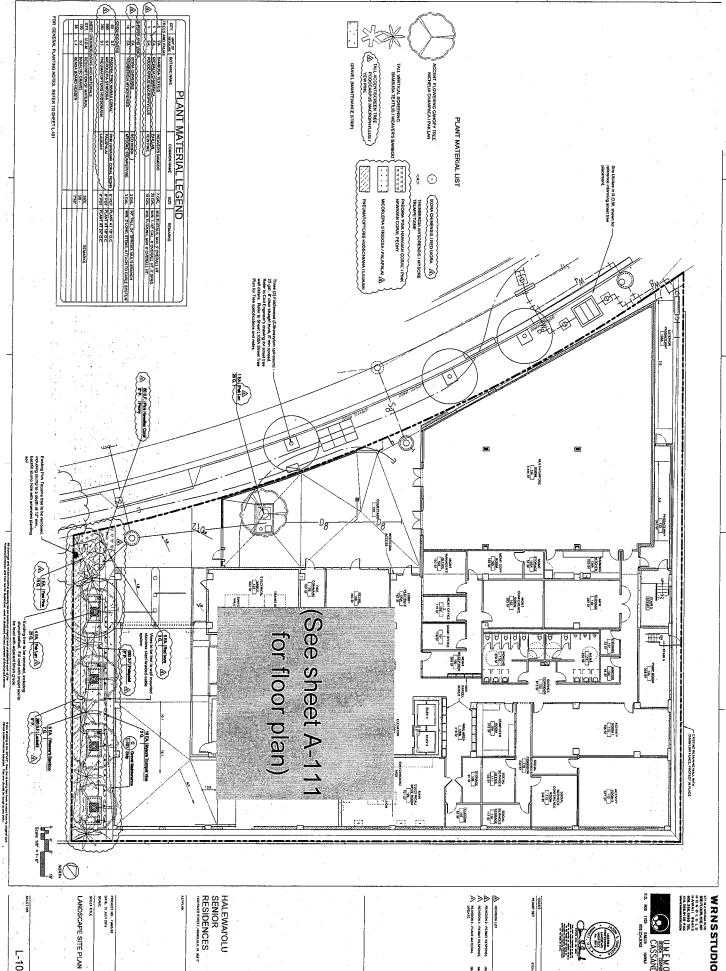
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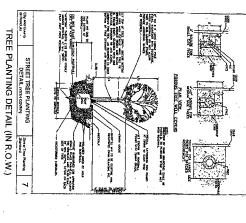
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## **EXHIBIT 0**



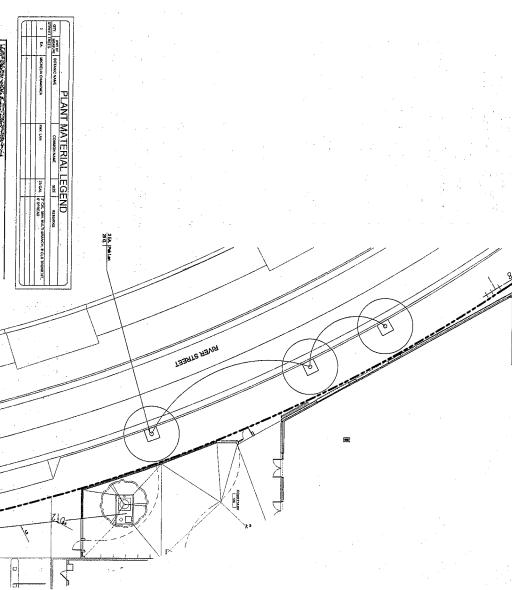
# DEPARTMENT OF PLANNING AND PERMITTING Urban Design Branch

### STREET TREE NOTES

- actor shall contact DPR, DUF at 971-7151 to schedule an inspection of the seven (?) cays phor to pre-maintenance and final inspections. A notice of delermined the trees have been properly instated and maintained.
- lender days or until project maintenance has been assumed by abuting
- within two (2) years of the date of the Department stitutions of tree types are requested by the on of tree selection) and (the plans) submitted

- onsible for any damages to the City's existing street lighting stolkes, traffic signal scokes; (nchoing the Affirin, communications liber optic cable system and traffic signal fiber optic cable system. Any and all shall be repaired by the contractor at his cost in accordance with the requirements of the City and County

Project Location





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PROJECT NO.: 1902500 DATE: 31 JULY 2019 SCALE: STREET TREE PLAN

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DATE

L-100A

APPROVED BY: